

# LAW ENFORCEMENT NEWS

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## Oversight planned for Denver PD

An independent monitor, a civilian oversight board, and a pool of citizens who would serve on different police review boards are key elements of a master plan unveiled by Denver Mayor John Hickenlooper in August for reforming the city's long-beleaguered police department.

The overhaul of the civilian review system was prompted by two fatal shootings in the past 15 months. In July 2003, a mentally-disabled 15-year-old, Paul Childs, was shot and killed when he refused to put down a knife. The officer, James Turney, was suspended without pay for 10 months. Officers were as outraged by the punishment as community members were by the department's failure to terminate Turney.

Then in July of this year, police killed Frank Lobato, a 63-year-old invalid who was shot as he lay in bed watching television. Officers mistook his soda can for a gun.

The Denver Police Protective Association said in August that it would welcome an investigation of department policies and practices by the U.S. Department of Justice. The agency's Civil Rights Division said that it would review the Lobato shooting after being alerted by the U.S. Attorney's office in Colorado that the string of fatal shootings in Denver — 11 in less than two years — may be at the point of a "developing pattern" of problems.

A letter written by union president Mike Mosco said the association would "fully cooperate with any investigation undertaken by the Department of Justice."

Mosco said the union was frustrated

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*High on speed:*

## New York State giveth — and taketh away

New legislation which deprives New York's municipalities of the money they collect through speeding violations and instead diverts it into a state fund will place a tremendous burden on towns and cities, warned the state's chiefs association this month.

Under the 2004-05 budget approved by lawmakers in August, municipalities may no longer keep the fines from traffic convictions that have been pleaded down to non-moving violations. The change, effective immediately, is projected to cost local governments an estimated \$12 million to \$22.8 million a year.

It will not affect those jurisdictions that have a traffic violation bureau run by the state Department of Motor Vehicles. These include major population centers around the

## More than a hunch Researchers examine basis for 'police intuition'

Some law-enforcement officers seem to possess a "sixth sense" that tells them when they are in danger, if a passing car is hot, or if a suspect is lying. But is there really such as a thing as policing "intuition"? Preliminary research conducted by the National Institute of Justice and the FBI offers some intriguing clues, yet seems to pose more questions than can as yet be answered.

In "Emotional/Rational Decision Making in Law Enforcement," Dr. Anthony J. Pinizzotto and Edward F. Davis, a senior psychologist and an instructor with the FBI's Behavioral Science Unit, and Charles E. Miller, an instructor in the bureau's Criminal Justice

Information Services Division, posit that "intuitive policing," in fact, represents a decision-making process that police find difficult to explain to others outside of law enforcement. Actions and behaviors exhibited by criminals send danger signals, the authors say, even before officers are consciously aware of them.

"Because officers cannot testify that the reasonable suspicion they used to stop a suspect was a 'gut feeling' or an 'intuition,' they often will state that the person displayed a 'furtive move' or was 'acting suspiciously' without being able to articulate what constituted these moves or actions," said the authors. "But, in reality, what frequently 'catches the officer's attention' is precon-

scious."

This past June, Pinizzotto, Miller and Davis staged a three day conference in which they brought together 25 officers and agents, identified by their peers as being intuitive, from departments including the Home Office in England; the Kern County, Calif., Sheriff's Department, the Washington, D.C., Metropolitan Police; the U.S. Secret Service, the Fort Wayne, Ind., Police Department, and the New Castle County, Del., Sheriff's Department. Joining them were the same number of researchers and academics studying human cognition.

The goal of the conference was to

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## Traffic cameras look for violators, but will they be able to 'see' them?

In the ongoing skirmish of thrust, parry and counter between traffic-enforcing police and motorists intent on foiling them, jurisdictions nationwide are increasingly employing cameras to record and ticket violators, while drivers turn to a variety of products that make their license plates virtually impossible for those devices to read.

Among the products that are currently available are PhotoBlocker, Photo Fog and PhotoStopper. They work by reflecting back the flash of the automated cameras. The effect is supposedly similar to taking a flash photograph in front of a mirror.

Tests done by police agencies and individuals have found some of these to be effective. Two years ago, Denver police conducted a test for Fox News which found that PhotoBlocker worked. Television programs in Great Britain, Australia and Sweden have reported similar results.

The maker of the product, PhantomPlate

of Alexandria, Va., said that about 100,000 cans have been sold in the past four years. PhotoBlocker can be purchased on the company's Web site, and at 10 independent auto supply dealers between Baltimore and Centreville, Md.

"It sells okay," said Harold Berger, owner of Kenilworth Car Wash in Hyattsville. "If I could sell it for \$5, I could sell a whole lot more. The people who usually buy it have gotten tickets," he told The Washington Post. "People don't want to spend \$30 unless they got burned."

Will Foreman, the owner of Eastover Auto Supply in Oxon Hill, said he coated the license plates on eight of his delivery trucks. None have received photo-radar fines since the application, although he had previously drawn \$1,200 in tickets.

Bob Kleebauer, a former Baltimore police officer, conducted his own test by driving through a red-light with his license plate

coated with PhotoBlocker. Gambling that he wouldn't get a \$75 ticket was worth it, he told The Post, because he believes the red light cameras are revenue traps.

"Ninety-nine percent of drivers who get caught are law-abiding citizens who do it accidentally," said Kleebauer, who is now a telecommunications salesman. "You are approaching a yellow light and you have a tenth of a second to brake or go. Make the wrong decision and they got you."

While the camera flashed behind him, Kleebauer said he never received a ticket.

Anecdotal evidence notwithstanding, there is still contention over whether or not these sprays, along with such devices like PhotoShield, which cover tags in clear plastic, actually work. Some say no.

"There's a lot of good people in the industry who are honest and a lot of charlatans," said Carl Vors, owner of Speed

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money that municipalities have been depending on for years and years and it's suddenly going to dry up."

Carey said he has heard of towns that stand to lose \$200,000 to \$300,000 a year.

The change was proposed by Gov. George Pataki in his executive budget. While Senate and Assembly members were not happy about it, the shift was a compromise made to get the state's mired budget process moving, reported The Albany Times Union.

The legislation does give municipalities the authority to collect a \$10 surcharge on speeding tickets for one year, but Carey said that will not be enough to offset the loss of that revenue stream.

"Ten dollars versus a \$100, \$200 fine . . . doesn't make much difference," he told LEN.

Kevin Crawford, general counsel for the Association of the Towns of the State of New York, said that by the time a surcharge went through the local law adoption process, it would be collected for less than a year.

"Further, it can only apply if the conviction or plea is to a surchargeable offense," he told LEN. "A lot of these pleas that have traditionally been accepted are not for a surchargeable offense, so the impact of the surcharge will be minimal."

According to the state's Division of Criminal Justice Services, the legislation is about law enforcement and not about revenue. State police wrote more than half of speeding tickets handled by local courts in 2000, the last year for which numbers were available.

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# AROUND THE NATION

## NORTHEAST



**CONNECTICUT** — Windsor Police Officer Charles "Gerry" Bagley was arrested for the fourth time in two months Aug. 25 after being accused of stealing computers and other equipment from the department. He was arrested three times over the summer on charges related to domestic violence and violating a protective order that bars him from having contact with his wife.

**MARYLAND** — The Frederick Police Department recently hired two Spanish-speaking officers and two Spanish-speaking civilians, significantly increasing its ability to serve the local Latino community. The new officers included a graduate from the recent training academy class and a lateral transfer from a nearby police agency.

**MASSACHUSETTS** — Holyoke Police Chief Anthony Scott recently got a phone call from comedian Bill Cosby, who praised him for his efforts to fight street crime. The chief initially thought the call was a prank until the comedian, who has a home in Shelburne, convinced him otherwise. Cosby has promised a mother whose 19-year-old twins were killed in separate shootings in Springfield that he would help organize a rally against street violence.

**NEW HAMPSHIRE** — In Littleton, an increase in the number of "big box" retail stores, including a Wal-Mart, is creating more workload for local police. The stores account for more calls for police assistance because during shopping hours, the town's population more than doubles. In July, the police department's seven officers responded to 3,000 calls.

**NEW JERSEY** — After Jersey City Police Chief Ronald Buonocore got a key endorsement in his mayoral bid against acting Mayor L. Harvey Smith, he was placed on unpaid leave by Smith. The chief was endorsed by the widow of former mayor Glenn D. Cunningham, who died of a heart attack in May with more than a year left in his term.

The American Body Armor company is reducing the warranty on its ZX vests to 30 months from 60 months, after testing found that materials in the vest do not hold up well to heat and humidity. Police can either exchange the vests for new ones or opt for a different product. The national warranty exchange, which was implemented as a result of a settlement with the South States Police Benevolent Association, may affect more than 100 New Jersey departments.

**PENNSYLVANIA** — After an investigation found that members of Gov. Edward Rendell's security detail frequently exceeded the speed limit, a policy was adopted that said state troopers driving either the governor or the lieutenant governor must obey the speed limit, except in emergencies. In nine separate cases, a state trooper driving Rendell was clocked doing over 100 miles per hour.

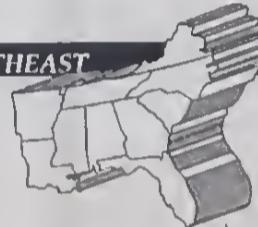
Two men, from New York and Georgia, face charges of cruelty to animals and conspiracy for publishing a dog fighting magazine that contained information on dog fights, stud

services and equipment. The charges were the result of an investigation stemming from the 2002 arrests of six people on dog fighting charges in southwestern Pennsylvania. [See *LEN*, April 2004.]

Shortly after a Web site went online in Montgomery County that listed names of people wanted on warrants, the sheriff's department got a dozen tips. The site lists the names and addresses of people wanted for probation and parole violations, unpaid court fees and failure to appear in court. People who failed to pay child support will be on a separate list. When John Durante became sheriff in 2000, his goal was to reduce a backlog of 10,000 warrants. So far, that figure has been cut in half.

**RHODE ISLAND** — One Warwick police officer has been fired, another has resigned and three others were suspended after criminal and departmental probes found they had sexual contact with a 17-year-old girl in the police Explorer program. Warwick police interviewed the girl, who reported "inappropriate conduct" by one of the officers but admitted that she had consensual sexual relations with four of them, and an inappropriate but nonsexual relationship with a sixth officer. The Explorer program was suspended when the allegations surfaced.

## SOUTHEAST



**ARKANSAS** — Little Rock Police Officer Charles Johnson was acquitted of charges of first-degree sexual assault. Johnson, who was fired when the charges were filed, admitted to having sex with a 16-year-old girl at a "diversity camp" which he co-directed, but denied forcing her to do anything. Johnson maintains that the investigation was racially motivated. He is black and the girl is white.

**FLORIDA** — Broward County sheriff's deputy Todd Patta was laid to rest in the Buffalo, N.Y., suburb of Cheektowaga on Aug. 27, after he was fatally shot in the line of duty in Fort Lauderdale the week before. Patta was shot in the chest as he and other officers went to serve a search warrant on a man suspected of having child pornography.

**GEORGIA** — Savannah-Chatham Metropolitan Police Department officer Ervin Myers has been accused in a federal lawsuit of sexually assaulting a handcuffed prisoner. Gregory Jason claims that he encountered the officer at the scene of a car accident, where the officer arrested him on an outstanding warrant for simple battery. On the way to the jail, Myers allegedly pulled Jason out of the car and pulled down his pants and assaulted him. Myers was fired a week after the alleged incident.

A review has shown that Albany Police Chief Bobby Johnson overruled standard procedures to hire officer Melissa Albrun, who was arrested in July on a shoplifting charge. Johnson hired Albrun, the niece of Dawson Mayor Robert Albrun, despite the recommendation of a screening board.

**LOUISIANA** — The state's top prosecutors have kicked off a campaign to raise

public awareness for people who would act as "straw purchasers" for others who are ineligible to make weapons purchases. The "Don't Lie for the Other Guy" campaign points out that there are serious consequences for acting as a straw purchaser — namely a prison sentence of up to 10 years.

One Aug. 14, funerals were held for two police officers from departments at opposite sides of the state. New Orleans officer LaToya Nicole Johnson was shot to death by a man she was trying to serve with psychiatric commitment. In Bossier City, officer Trey Hutchison was fatally shot while responding to a disconnected 911 call by a man who also shot himself to death.

**SOUTH CAROLINA** — Mount Pleasant narcotics detective Justin Hembree has been placed on administrative leave pending an investigation into the death of his girlfriend Molly Wrazen. A coroner's jury ruled that someone else put a gun to her chest and killed her and she did not take her own life. Several witnesses say that Hembree was tracking Wrazen's movements and that she was moving to Florida to get away from him. Hembree, however, passed two polygraph tests and his partners have vouched for his whereabouts that day. His lawyer added that Wrazen had been ordering huge quantities of prescription drugs and an audit of a Kmart pharmacy where she previously worked showed that close to 10,000 painkiller tablets were missing.

**TENNESSEE** — Memphis Police Director James Bolden and Deputy Director Ray Schwil were forced to retire Aug. 16 by Mayor Willie Herenton. Bolden said that he was unsure whether a recent incident, in which he defended two officers who Herenton said acted unprofessionally at a traffic stop that he witnessed, was the cause of his dismissal. Bolden's four predecessors also left in similar circumstances. Herenton is in his fourth term.

The FBI has thwarted a plan by a group from Campbell County calling itself the American Independence Group to rob a bank in order to finance the cost of ammunition and survival kits to be used in the event of another terrorist attack. The "domestic terrorists" also planned to set fire to a hotel frequented by Hispanics. The group's plans for the robbery detailed how members would kill several law enforcement officers in the process.

## MIDWEST



**ILLINOIS** — Chicago Police Officer Michael P. Gordon died as a result of injuries suffered in a car crash on Aug. 8. Gordon joined the department in 2002.

**INDIANA** — The Indiana Court of Appeals has overturned former state trooper David Camm's conviction in the deaths of his wife and two children on the grounds that prosecutors used evidence of his adultery to improperly sway jurors. The victims were shot in the garage of their family home in September 2000. Witnesses said that Camm was playing basketball at the time but prosecutors said phone records showed that he made a call from his home

during that time. A Verizon employee testified, however, that the time had been logged improperly because of the state's dual time zones.

**MICHIGAN** — As officers raided the Florida home where he was staying, Timothy Berner, 33, a suspect in the killing of a Sterling Heights, Mich., police officer, shot and killed himself with the gun he allegedly took from the slain officer. Officer Mark Sawyers was sitting in his patrol car filling out a report when Berner, a robbery suspect, shot him because he wanted Sawyer's gun, which was easier to conceal. Police were tipped off to Berner's whereabouts by a viewer of "America's Most Wanted."

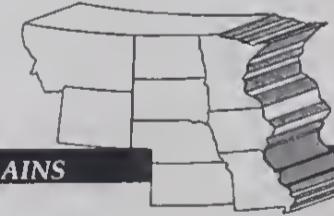
**OHIO** — An independent investigator and a citizens' panel will probe an allegation that Canton Police Chief Dean McKimm discriminates against black officers in disciplinary matters. McKimm issued a written statement saying that an outside investigator was necessary to avoid "even the appearance of partiality."

Reginald Cheney, who has led the U.S. Drug Enforcement Administration office in Cleveland since 2001, has been placed on limited duty after being accused of using a law enforcement database for personal reasons. Federal authorities say that he used the database to get information on women.

Former Fowler Township police chief James Martin has pleaded not guilty to a 52-count indictment charging him with paddling juveniles accused of traffic offenses, in a juvenile diversion program that kept the youths out of court.

Community leaders in Dayton and consultants from the International Association of Chiefs of Police have been meeting to discuss ways to diversify the city's police force. The participants hope to identify potential roadblocks in diversifying a department where currently 3 out of every 4 officers are white.

**WISCONSIN** — Matthew Sheridan, 20, suffocated in police custody when a Port Washington officer put a high-tech respirator over his head, mistaking it for a spit bag, which is used to protect officers from saliva.



**IOWA** — Linn County has set aside \$180,000 for a new Mobile Crisis Outreach program, which will serve as an alternative to police or hospital intervention in responding to situations involving the emotionally disturbed. The team will not respond to situations involving weapons, drugs or alcohol; domestic violence is still a police matter. Coordinator Dennis Dozier said that he would like to see the program evolve into one like that in Des Moines, where counselors and police work together out of the police station.

**KANSAS** — Southern Kansas officials are worried that a new law in Oklahoma, which requires that anyone buying cold medications containing ephedrine or pseudoephedrine

show a photo ID, may drive methamphetamine manufacturers north. Four Oklahoma residents were recently arrested in Harper County for buying several boxes of cold medicine. Police found a map of every Wal-Mart store in the Wichita metropolitan area in their vehicle.

John Sarver, 48, of Kansas City was sentenced Aug. 9 to more than 10 years months in prison after he pleaded guilty to robbing six banks in 2002-2003. When police searched his house they found a to-do list that included a reminder to "rob bank."

**MINNESOTA** — Officials in Excelsior have asked the Shorewood, Tonka Bay and Greenwood city councils to rethink the police budget that is shared by all four cities. Excelsior has been getting only "basic service" from the South Lake Minnetonka Police Department — compared to the other cities' enhanced service — since it contributed \$25,000 less to the budget than was requested. Excelsior officials maintain that the budget formula is unfair because Excelsior does not have as much money as the other cities yet it attracts visitors from a wider area.

**MISSOURI** — The St. Charles City Council is countersuing police Sgt. Thomas Mayer, who is suing the city for \$4 million. His suit claims that city officials last year ordered the police department to investigate his use of a city cell phone and police car as head of the state Fraternal Order of Police. The city's lawyer said that the investigation was not meant to intimidate.

As part of the training for the new Crisis Intervention Team in St. Louis County, officers listened to a talk by a diagnosed schizophrenic. The program, which has already been called a success by mental health and police experts, develops partnerships among prosecutors, mental health providers, hospital personnel and police. Pressure to create the program grew after an incident last year in which two officers shot and killed a 24-year-old mentally disturbed man who tried to hit them with a sword.

**MONTANA** — A legislative audit has concluded that despite limited trooper numbers, the state Highway Patrol could be more efficient if it cut down on paperwork, streamlined data collection, and freed up more patrol time. Col. Randy Yaeger, the patrol's chief, agrees with many of the recommendations — like privatizing vehicle inspections and getting the patrol's 25 sergeants into the field to improve patrol presence and trooper supervision — but said that they may cost hundreds of thousands of dollars and take years to implement.

**NEBRASKA** — Omaha's public safety auditor, Tristan Bonn, plans to conduct a broad review of police collection of DNA, including how other cities handle genetic testing. Bonn said that several factors prompted her decision, including the difficulty in getting information from the police while rape cases are under investigation and the low number of complaints from people who have been DNA tested.

**SOUTH DAKOTA** — Campbell County Sheriff John Bechtold, Jr., 45, had a heart attack at the scene of a fatal car accident on Aug. 4 and died on his way to the hospital. Bechtold became sheriff two years ago.



**ARIZONA** — Preliminary figures from the state Department of Transportation show that automobile thefts declined last year for the first time in five years. Arizona, which leads the nation in auto thefts per capita, had 654 fewer cars stolen in 2003 than in 2002, when roughly 57,000 vehicles were stolen. Authorities say they that funds from the state's Automobile Theft Authority provided police with tools to educate car owners on prevention and to catch thieves.

Gilbert police Sgt. David Bush was demoted to patrol officer following an investigation into accusations that he entered two Mesa homes to search for his missing 16-year-old daughter without the homeowners' permission. One of the homeowners has filed a suit for nearly \$1 million in damages against the city and Bush, alleging mental distress and emotional injury.

**COLORADO** — John Harold Burrell, a 61-year-old Englewood resident, was arrested on charges of impersonating an Arapahoe County sheriff's deputy after an incident reported by a woman in July. She said that she was stopped by a sport utility vehicle after the driver activated flashing rear lights and the driver told her she was following too closely and that she should not be using her cell phone. Burrell told her that he was retired from law enforcement but that he was acting as a reserve deputy.

**NEW MEXICO** — Rio Rancho has spent \$75,000 on laptop computers which will eventually be mounted in all of the city's police cruisers. Officers will be able to conduct silent dispatch operations, access the National Crime Information Center, and print tickets directly from their vehicles.

Comments made by an Albuquerque Fire Department member prompted a meeting between fire and police officials over the role of each department in swift-water rescue operations. After a homeless man was pulled out of a rain-swollen diversion channel, AFD Cmdr. Rick Romero said that police were "getting in the way" of the rescue effort. The subsequent meeting clearly defined the police department's role in such operations. Police will serve only as spotters until some protocols are changed.

**OKLAHOMA** — Durant city officials are unsure how to replace Police Chief Roy Brown, who resigned Aug. 11, about two weeks after rank-and-file officers voted no-confidence in him. The officers' union filed several complaints against Brown in the past year over issues like policy-making and the captains' rotation.

**TEXAS** — Eliezer "Tito" Jimenez, 31, a licensed state peace officer, became ill and died on Aug. 10 after completing a run as part of his application process for the Texas City Police Department. Jimenez showed signs of distress minutes after the endurance test and officers performed first aid but he was pronounced dead at a local hospital.

Elgin Police Chief Steve Huckabee resigned Aug. 4, one day after being placed on administrative leave because of a sexual harassment complaint. City Manager Jim Dunaway would not elaborate on the complaint.

To end a long-smoldering lawsuit, the Austin City Council has approved a settlement that will pay roughly 900 police officers a total of nearly \$2.8 million for compensation for their time in training. The lawsuit covered longevity pay, which is based on officers' time in the department. City officials had started the clock right after an officer left the police academy, but police argued that time in the academy should be counted. The settlement is less than the \$4 million awarded by a judge last year, but both sides wanted to avoid an appeal.

Texas has become the seventh state to sue Second Chance Body Armor Inc., the nation's largest manufacturer of bulletproof vests. State Attorney General Greg Abbott said the suit seeks restitution for customers who purchased the lighter-weight vests made with Zylon and then spent tens of thousands of dollars to replace them because the company failed to disclose that the vests' quality degrades when exposed to heat, humidity and fluorescent light.

**UTAH** — Former Pleasant Grove police officer Jared Lyman Platt was sentenced Aug. 9 to a year in jail for sexually abusing a 14-year-old girl, and ordered to pay for therapy for the victim and her family. The sentence was part of a plea bargain in which Platt pleaded guilty to two counts of forcible sexual abuse.



**CALIFORNIA** — State and federal officials believe that the discovery of the deadly poison ricin in two jars of baby food may be part of a vendetta against an Irvine police officer. Two families who were feeding their babies Gerber desserts found notes in the jars that warned the food was contaminated and included the name of the officer. The children had only eaten a few bites and neither was harmed.

**HAWAII** — Maui Police Officer Aaron Won was arrested Aug. 9 after being indicted by a grand jury for kidnapping, attempted extortion and attempted sexual assault. A 27-year-old woman told police that the officer took her to a police substation after a traffic stop and asked her to perform sex acts in order to avoid arrest. When she refused, the woman was arrested and charged with various traffic violations. She reported the incident to a Lahaina police officer.

**NEVADA** — The ACLU has called upon Las Vegas Sheriff Bill Young to revise policies on the use of Taser stun guns, following the death of a man struck with the device. Keith Tucker was the second person to die this year in Las Vegas after officers used a Taser on him while he was acting

erratically. Tucker's death is under investigation by the Clark County Medical examiner, Ronald Knoblock, who asserted that there is no hard evidence to suggest that a Taser could be the cause of death in and of itself. The department's Citizen Review Board said it will review policies on the use of Tasers.

**OREGON** — Clark County sheriff's Sgt. Brad Crawford, 49, was killed in the line of duty on July 30 when his patrol car was rammed by a driver in a pickup truck who was fleeing from police. The driver, Robin T. Shreiber, is being held on charges of first degree murder and vehicular manslaughter.

Portland Police Officer Scott Westerman, known as a good natured guy by both colleagues and residents in his southwest Portland neighborhood, showed his serious side after an editorial cartoon in a local newspaper offended him. The cartoon showed police standing over a bullet-riddled skateboarder, with the caption "Dang! Da guy wouldn't stop." On his own time, Westerman hand-delivered letters to 51 businesses, urging them to stop advertising in the newspaper. The editor and publisher of the Multnomah Village Post responded by filing a complaint with internal affairs, but investigators rejected his complaint, saying Westerman was representing himself and exercising his constitutional rights.

Ontario Police Officer Daniel Raymond Dillon, 30, has been charged with one count of lewd and lascivious conduct with a minor, after he admitted under questioning to charges that he had sex with a girl in Franklin, Idaho, from 2001 to 2003. The girl was 7 years old when the sex began.

After a motorcycle being pursued by police skidded out of control near his front yard, Gladstone resident Jesse Freeby pursued the passenger of the bike on foot, and while trying to scale a fence, fell and was paralyzed from the chest down. The injury occurred after Freeby grabbed the driver and turned him over to police Sgt. Lynne Benton, who was pursuing the motorcycle. When asked why he went after the man, Freeby responded, "It's one of those things.... You try to help out."

**WASHINGTON** — Vancouver police lieutenant Howard Anderson was fired Aug. 5 for making sexual advances toward female co-workers during training trips. After an incident was reported at a training trip in Phoenix in February, where Anderson allegedly made crude sexual comments to a woman, rubbed her back and tried to touch her breasts, an internal affairs investigation uncovered similar misconduct during a trip to Long Beach last November. Anderson can appeal his dismissal through his union.

The number of large methamphetamine labs reported to authorities has declined for the third year in a row in both Clark County and statewide. Police attribute the decline in part to a crackdown in Canada on the legal exportation of large amounts of pseudoephedrine, a chemical used in manufacturing the drug. Operators of large meth labs may now be moving south in order to get the chemical from Mexico. At the same time, fewer smaller labs are being busted in the Clark County area, and police are unsure whether the same number of labs may exist but operators are simply being more cautious than in the past.

# ATF losing track of explosives, gun dealers

The theft of 200 pounds of explosives from a remote facility used by the San Mateo County, Calif., Sheriff's Department, the San Francisco Police Department and the FBI has sparked calls from members of Congress for greater federal control over storage of such items by local law-enforcement agencies.

A federal grand jury in Oakland indicted four men in July on multiple counts of conspiracy to steal, possess and transport explosives, possession of stolen explosives and unlicensed receipt of explosives, among other charges.

"We are dealing with a national wake-up call," said Representative Tom Lantos, a Democrat from San Mateo, who cited the potential for explosives to fall into the hands of terrorist. Lantos, who was joined in a special hearing in San Mateo County by Representatives Anna Eshoo, a Democrat from Atherton, and Christopher Shays (R.-Conn.) called the incident a possible "blessing in disguise."

Unlike privately owned storage facilities, which must have permits and site inspections every three years, inspections are voluntary for those used by law-enforcement agencies, according to the Bureau of Alcohol, Tobacco, Firearms and Explosives. Walfred Nelson, a deputy assistant director with ATF said the bunker burglarized near the Crystal Springs Reservoir would have complied with federal guidelines.

It is difficult to know how many public facilities exist because of the less stringent regulations, he told The Ahmeda Times-Star newspaper. Stricter oversight of public facilities was impossible without new legislation, Nelson added.

"In 2003, ATF received 79 reports of thefts of explosives throughout the country; 73 of which were from private facilities," said Nelson.

The regulation of explosives, he said, is a partnership with industry.

"We must rely on them to get the job done and know what the rules are," said Nelson. "By and large they do."

Federal prosecutors said all of the explosives stolen from the California bunker have been recovered. According to court documents, one of the defendants, Michael Alexander Allin, 46, drove a stolen van to the facility on the night of July 2, and then used bolt cutters to cut locks off the gate and make off with explosives. He returned several nights later with his co-defendant, Dean Utile, this time using a blow torch to cut through the locks. The men then brought the explosives to an Oakland storage unit.

Allen, Utile, and the other two men indicted — Timothy Dean Byrd, 36, and Gregory Sherman, 40 — allegedly stole blocks of C4 plastic explosive, grenades, grenade simulators, TNT, detonation cord, blasting caps, fuses and signal flares.

Lawmakers were stunned by the lack of security at the facility. Shays called it "short of pathetic."

"I can't help but think that when I'm in a grocery store they have more security protecting the frozen-food section," Eshoo told The San Francisco Chronicle.

The use of taggants, tiny, color-coded plastic chips that can be mixed into explosives as a means of providing investigators with additional data on where the material was manufactured, is an idea whose time has come, and come again.

The 1993 bombing of the World Trade

Center in New York sparked a renewed interest in taggant technology on the part of some officials. Senator Charles Schumer (D-N.Y.) said in August that he would introduce legislation to restrict the sale of ammonium nitrate fertilizer — a component of many crude but powerful bombs — and add taggants to it so the material could be tracked.

Schumer made the call the arrest of a disgruntled ex-convict in Chicago for allegedly plotting to blow up the federal courthouse there. His pickup truck was found to contain 1,500 pounds of fertilizer he thought could be used to make a bomb.

"You can walk into any store no matter who you are or what your background is —

you could be on a terrorist watch list — and purchase ammonium nitrate, no questions asked," Schumer said. "That has to change."

The issue of taggants arose again in 1995 following the Oklahoma City bombing, in which a powerful fertilizer-based truck bomb was used, and in 1996 when a bomb exploded at the Summer Olympics in Atlanta. The move, however, was opposed by both the National Rifle Association and the fertilizer industry. [See LEN, May 15, 1995.]

Only South Carolina and Nevada currently require identification and track ammonium nitrate purchases. Schumer said that under his proposal, the minimal cost would be picked up by the federal government.

ATF has also come under fire for its inability to inspect all 104,000 federally licensed gun dealers.

A report by Glenn A. Fine, the Justice Department inspector general, found that only about 4.5 percent of federally licensed dealers are checked annually — far below the goals set by the agency.

Fine's review is the first since the ATF was moved from the Treasury Department to the Justice Department in the reorganization of agencies that came with the creation of the Department of Homeland Security.

The review also noted that the ATF seldom revokes firearms licenses. Only 54 revocations were made out of 1,800 inspections in 2002.

## Community, police differ on keeping review board around for the long haul

Riverside, Calif., residents will get the chance in November to vote on whether or not to keep alive their three-year-old Community Police Review Commission by adding the agency to the city's charter.

Adding the review commission question to the upcoming ballot represents a reversal of the decision made by the municipality's Charter Review Committee in July. While the commission has support from the community, the city's police union continues to be vehemently opposed to it.

"From the beginning, we haven't supported it," Patrick McCarthy, president of the Riverside Police Officers Association, told Law Enforcement News. "We feel it's a redundant process."

The commission was created by the Riverside City Council in response to the controversial 1998 shooting of a 19-year-old black woman, Tyisha Miller. Four white officers responded to a 911 call at a gas station. Finding Miller unresponsive in a locked, idling car with a gun resting in her lap, officers broke the car window and grabbed for the weapon. They shot Miller in self-defense, they said, when she reached for the gun.

Municipal officials entered into a five-year oversight agreement with state Attorney General Bill Lockyer that year. Since then, there has been ongoing instruction in diversity, defensive combat and less-than-lethal force, according to a department spokeswoman, Det. Michele Jackson. Each of the agency's supervisors is accountable for the actions of seven officers under his or her command, she told The Riverside Press Enterprise.

While the nine-member review commission has subpoena power over officers and witnesses and may hire its own investigators, the police department is under no obligation to act on its findings. Conclusions by the department's internal affairs division are forwarded to the commission, which can resubmit the findings if members have any comments or recommendations. The panel has no authority when it comes to discipline.

"They are, in my opinion, a dog with no teeth," said McCarthy, "and in the state of California, our financial crisis... I think we have a good system in place right now."

The department has an off-site internal affairs bureau with expanded personnel, he noted. Ultimately, McCarthy said, he has

confidence in Chief Russ Leach, who has a rapport with the community.

"We have our internal administrative review, internal affairs, our district attorney, we have the attorney general, we have the Department of Justice, and if we needed to, we could go out to our county sheriff," he said. "How much more oversight are we going to have?"

Another issue for the union, he said, is that while members of the Riverside force cannot be named to the review board, it currently includes among its members a full-time reserve officer with the Los Angeles Police Department and an officer with the Riverside Community College police.

"Basically, they say it's okay to have cops there," said McCarthy. "We say that we don't support it, but if you say it's open, then why can't you have some of our cops?"

McCarthy has called for the removal of campus officer Sheri Corral, who was quoted in a newspaper article as saying she was treated differently "and unfairly" by some Riverside officers since joining the board.

"She has a bias," McCarthy told The Press Enterprise. "We can't have her reviewing complaints against officers."

## Not only sweet, revenge may be innate

Don't get mad, get even. It's more than just a familiar catchphrase — the desire for revenge and the satisfaction one gets from balancing the scales is deeply rooted in the human brain, according to a number of recent studies.

In an article published in the Aug. 27 issue of the journal *Science*, a research team from Zurich, Switzerland, found that anticipating an act of vengeance activates the same area of the brain, called the striatum, that is stimulated when someone snorts cocaine or thinks he will receive money.

In the experiment conducted by the researchers, two male participants who did not know each other were each given 10 units of money. Player A could either give his money to player B, or keep it. If the money was given away, it would be quadrupled. Player B would then wind up with 50 units — his own 10, plus 40 from player A.

In nearly all the trials, player A gave his money away, expecting player B to share the bounty. But often, player B refused to share.

Then player A had to decide whether to let his partner keep the units, or reduce the payoff by anywhere from 2 to 40 units.

As the players reached a decision to punish the greedy partner, positron emission tomography (PET) scans showed the striatum activated. Even when player A had to pay for the privilege of punishing player B by forking over one unit of money for every two deducted from his partner, the more activated the striatum became, the more the player was willing to give up something in order to punish the other person.

"Our results indicate why revenge is deeply entrenched in many societies," Dr. Ernst Fehr, an economist and co-author of the study, told The New York Times.

In another recent experiment, conducted by psychologists at the University of Michigan, researchers found that when students were given a bogus "mood-freezing pill," which they were told would block the experience of pleasure, the less likely they were to avenge themselves on peers who had

ridiculed them.

"We've shown many times that expressing anger often escalates and leads to more aggression," said Dr. Brad Bushman, who ran the study, "but people express it for the same reason they eat chocolate."

More common in the workplace are acts of vengeance that are indirect, according to Dr. Robert Baron, a psychologist in the school of management at Rensselaer Polytechnic Institute in Troy, N.Y., who has studied workplace reprisals.

Few people want to look vindictive, he told The Times. It is more likely that the person who feels wronged will try to "ruin the other person without him knowing what happened, without him knowing if anything happened."

In an observation that bespoke another familiar adage — that revenge is a dish best served cold — Baron noted that many people he interviewed waited years for payback, often long after the other person had forgotten the initial offense.

# Law enforcement, ink.

## Cultural change may play role in agency policy on tattoos

Kentucky's governor has asked the State Police Commissioner to reevaluate a two-year-old policy that prohibits state police officers from sporting visible tattoos.

Gov. Ernie Fletcher cited "cultural changes" in the population as the basis for the request.

"I've asked them to reevaluate that and see," he said. "Certainly, there's probably only one direction it could go if it were changed, and that's a relaxation."

The policy was proposed in 2002 and approved by Commissioner Mark Miller shortly after he took office in March.

Although the KSP has enforced the policy for the past two years, its formal implementation in July was meant to serve notice to incoming cadets that the no visible-tattoo rule is in effect, said Miller.

"There is great concern over the appearance of our law-enforcement officers," he told The Associated Press.

State Police Capt. Brad Bates said the KSP is conducting research with other state agencies and that a determination will be made at the pleasure of the commissioner.

"Definitely the culture has changed, but you have to have standards for your officers and many of the other state police agencies and large agencies we've been in contact with have a similar policy," he told Law Enforcement News. "If they have one in writing, it usually does prohibit visible tattoos in uniform. We don't think it's anything outside the norm."

At least four other states have similar policies: Georgia,

North Carolina, Rhode Island and Tennessee.

In Lexington, city officers who have tattoos have not been allowed to get new ones since a ban went into place in 2002, Lt. Mike Blanton told The Associated Press.

"It's hard to start choosing between the different tattoos so you basically have to say that all tattoos are not acceptable," he said.

The San Diego Police Department this summer ordered that its officers cover up tattoos that cover more than 30 percent of exposed skin or are on the head or neck with turtlenecks or long sleeves. The policy will affect only about four out of 2,100 officers, an agency spokesman told The (Riverside) Press Enterprise.

In Riverside County, Sheriff Bob Doyle requires that any tattoo that is "unreasonably sensitive, profane or offensive" be covered while the officer is in uniform.

"Our policy is if you have an offensive tattoo, you have to wear a long-sleeve shirt," he told The Press Enterprise. "It's pretty subjective. How do you define offensive?"



Santa Barbara Police Chief Cam Sanchez, president of the state's chiefs' association, said he would not consider a policy such as the one imposed by San Diego. Of the roughly 150 sworn employees with tattoos, most are in places that are not visible, he said. Those that are tend to be military-type symbols.

"It's not really an issue here," he said. "It's not like my guys and gals are running to the local tattoo parlor."

The Kentucky State Police policy has been approved by a legislative panel. Still, state Senator Walter Blevins Jr., a Democrat from West Liberty, said he was concerned that given the popularity of tattoos,

the agency would be limiting the crop of eligible applicants.

"It seems like all of the young people these days have tattoos," he told The AP. "Certainly all of the sports figures seem to have them, and a lot of people in military service."

### Keeping tabs:

## Cops track hookers, who return the favor

Some Missouri prostitutes apparently turned the tables on county law enforcement, after a bust revealed an Internet database listing the names, cell phones numbers and make and model of cars driven by undercover vice detectives.

St. Louis County police had been tracking two women from Springfield via email, message boards and Web sites. But the suspects were wary, making it difficult for officers to set up an appointment. Finally a rendezvous was arranged in August in a Maryland Heights hotel. When money was accepted, investigators raided the room. They found two laptop computers, one of them containing the Web site.

Rick Battelle, commander of the county vice squad, even found his own cell phone number listed. "That was the shocking thing," he told The St. Louis Post-Dispatch. Battelle said he had used it once to book a "date" with a suspected prostitute.

The Web site could only be entered by a hooker using a secure log-in. Several prostitutes had to vouch for her, said police, to even get that far.

No charges or arrests have been made in connection with the Web site, but police are checking to see if the suspects could be charged with racketeering under federal law, given that the database was intended to further a criminal enterprise.

"You will still always have the seedy end of prostitution with women on the street trying to feed their crack habit," said county police Capt. Thomas Jackson. "But you also will have others who see it as a business. It's only natural that these people on the high end are going to use technology."

For some residents in Omaha, Neb., however, the approach to fighting prostitution is most definitely low-tech.

Five billboards listing the names of men convicted of soliciting prostitutes were set up over the summer as a joint project between several neighborhood associations



Licenses are being recorded, but whose, and by whom?

and the Southeast Precinct Police Advisory Commission Prostitution Task Force.

"This is a big offensive. This is to make the Johns aware that they are not welcome in the neighborhood," Jan Quinley of the Ford Birthsite Neighborhood Association told The Omaha World-Herald.

In some neighborhoods, billboards have already been posted bearing the warning in Spanish, "If you are convicted of soliciting a prostitute...you WILL see your NAME here!"

Public humiliation is a worth a try, Quinley told The World-Herald.

"If there was no shame, if [soliciting a prostitute] was no big deal, if it was something that was a part of society, they [Johns] wouldn't care if their names were up on a billboard," she said.

In jurisdictions such as Brooklyn, N.Y.,

and Milwaukee, efforts are being made to help prostitutes — especially those who are underage — leave the life.

A program called Saving Teens At Risk (STAR) was launched in July by the Brooklyn district attorney's office. It offers nonviolent teenagers and young adults from the ages of 16 to 21 the choice of either standing trial and risking jail, or entering a six-week education and counseling program.

Of the 1,000 prostitutes who were arrested last year in Brooklyn, 200 fall into that age range, say law enforcement officials. According to Rhonnie Jaus, chief of the sex crimes bureau, the problem of underage prostitution has increased in the years since she first prosecuted a case in the late 1990s involving an 11-year-old girl.

While the D.A.'s office does not keep statistics to track rising prostitution among preteen girls, prosecutors say they have noticed the rise.

"I'm not saying it didn't exist before — I think that people were certainly pimping women of all ages — but it wasn't the concentration of the police department, and it wasn't something that we were focusing on," Jaus told The New York Times.

STAR offers six weeks of high school equivalency programs, medical care, therapy and career counseling. It is being run with the help of Catholic Charities.

"Hopefully, we're going to help the gals see that there is another way," said Sister Ellen Patricia Finn, an associate director of the agency.

The initiative was modeled on the "john school," a five-hour class formally known as Project Respect that the district attorney's office provides as an alternative to people arrested for patronizing an adult prostitute.

In Milwaukee, a crackdown on prostitution this summer by police, the district attorney's office and community groups included an outreach program to help those who want to stop selling sex.

A similar effort was mounted in Charlotte Mecklenburg, N.C., in 2000. In that case, however, police were not cracking down on the sex trade but instead tracking a serial killer who preyed on prostitutes. Still, a program was created by the department that brought Mecklenburg County substance abuse service providers together with drug-addicted prostitutes [LEN, May 15, 2000].

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Peter C. Didenhoff  
Editor/Associate Publisher

Jennifer Nislaw  
Associate Editor

Wendell Velez  
Subscriptions

Nancy Egan  
Contributing Writer

Correspondents: Walt Francis, Bronx, Cutcliffe, T.L., Tyler, Ron Van Raalte

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## He's got game

There has been nothing but praise from both community groups and law enforcement officials for Boisse Correa, the veteran Honolulu officer who was named the city's ninth chief of police last month.

Correa succeeds Lee Donohue, who retired on July 1 after serving 40 years with the force. Donohue had been reappointed for a second five-year term in 2003, but had hinted that he might retire early. An internal defibrillator was implanted in Donohue's chest after he suffered cardiac arrest in 1999.

"Just like in coaching, you want to go out on top," he said. "I've accomplished my goals."

At an imposing 6 feet 6 inches and 255 pounds, Correa could have had a career in the National Football League — he was signed by the Cleveland Browns in 1970 —



**Boisse Correa**  
He has "presence."

but he chose law enforcement instead, joining the Honolulu department in April of that year. He was selected from amongst four finalists, including acting chief Glenn Kagiama, Maj. Donna Anderson, who heads internal affairs, and Maj. Susan Ballard, the commander of District 5. Anderson and Ballard are believed to be the first women ever to be finalists for the post.

What many believe clinched the appointment for Correa was his work coordinating security for the Asian Development Bank conference in 2001, which was held with many law enforcement officials still fearful after the 1999 riots at the World Trade Organization meeting in Seattle. Although civil liberties activists felt the security presence during the ADB meeting was overbearing, Correa generally received high marks for his performance.

He "has a presence," said Keith Kaneshiro, a former prosecutor and director of public safety. "He takes command of situations. He coordinated the Asian Development Bank conference, and he did an excellent job."

Correa is "well-acquainted with the demands on a large city police department in the post-9/11 environment," said Honolulu Prosecutor Peter Carlisle.

Robert Clark, a member of the Hawaii Kai Neighborhood Board, said he was "delighted" by Correa's promotion. "I think

he'll make an excellent police chief."

There is also something to be said for the new chief being a local. Correa grew up in Honolulu.

"I became a cop because I really loved Hawaii and I cared, and I thought I could make a difference when I was very young," he said. "I still feel I can make a difference."

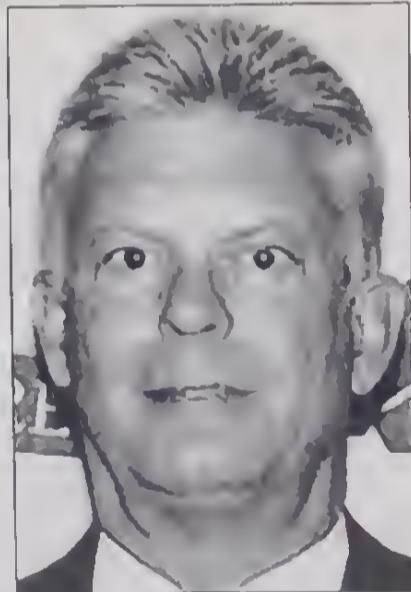
Correa, who holds a master's degree in social work from the University of Hawaii-Manoa, previously served as chief of police for public safety in Truk, Micronesia, in the 1970s.

## Sterling addition

Within weeks of being named as the new chief of Knoxville, Tenn., Sterling P. Owen IV — or I.V., as he is informally known — has already begun the job of mending fences with the Knox County sheriff, and within a department whose morale is said to be at a low ebb.

Sworn in on Sept. 1, Owen replaces longtime Chief Phil Keith, who was with the department for 34 years, and its chief for 15. Keith has accepted a position as consultant for the National Amber Alert Foundation, and has not ruled out a run for mayor in the future.

A Kentucky native, Owen first came to Knoxville in 1980 as supervisor in charge of the FBI's local field office. In a 22-year career with the bureau, his activities ranged from overseeing the sprawling Butcher bank fraud case in the 1980s to winning the FBI's Merit Award for his work in rescuing 13



**Sterling Owen**  
I.V. looks up for Knoxville

hostages from the Talladega, Ala., Federal Prison. As a SWAT coordinator, he was also involved in the resolution of the Atlanta Federal Prison riot and the capture of Michael Wayne Jackson, a Top Ten fugitive.

After retiring from the FBI in 1995, Owen opened a security consulting firm based in Knoxville. He also chaired the Police Advisory Review Board, and worked as a trustee for the U.S. Bankruptcy Court.

Mayor Bill Haslam, who announced the hiring of Owen on Aug. 10, said: "Knoxville is lucky to have someone with I.V.'s experience and commitment to the community to lead its police department."

Owen was one of 44 candidates for the post, and was selected from a pool of six

finalists, including three deputy chiefs from the KPD. Any of those, he said, could have "stepped up and done a good job."

He said he intends to spend most of his time learning what he needs to know about being an effective chief. Owen also plans to go on patrol with officers, and wear a uniform when he does so.

Owen has spoken with all of his ranking officers, and has urged them to raise issues and questions they may have during roll call. "Don't just complain in the back room, but tell me," he said.

A department-wide survey commissioned by the Fraternal Order of Police last year found that three-quarters of respondents believed discipline to be handed down unfairly and 73.9 percent wanted a national search for the next chief.

Owen has also taken steps toward smoothing relations with Sheriff Tim Hutchison, who had a contentious relationship with Keith. In 2002, Owen had been mentioned as a possible candidate for Hutchison's job.

"I have met with the sheriff, at his invitation," Owen told The Knoxville News Sentinel. "We discussed some possibilities that may exist for our departments to work more closely together. Many things we discussed were his suggestions, and I brought some things up."

## Cutting their losses

When faced with the choice of paying now or paying later, officials in Barnegat Township, N.J., last month decided it was cheaper to buy out Chief Edward J. Smith's contract to the tune of \$250,000 rather than let him remain in the post for eight more years.

Smith, 57, has been a Barnegat officer for 30 years, and the township's chief for 25 of those. Of late, he has come under criticism for collecting \$129,000 in overtime since 2000 when the failure of his home-building business bankrupted him, and for hiring relatives.

An ordinance was passed prohibiting that type of nepotism after it was found the Smith's brother, son and nephew are high-ranking detectives, and a son-in-law was assigned to the detective bureau with no pay raise or promotion.

Under the buyout agreement, the Township Committee will raise Smith's salary from \$104,832 to \$121,832. He will also be paid for the 1,960 hours of sick time he has accumulated, and 800 hours of vacation time. Together, they are worth \$160,000. Smith will receive \$125,000 in February, and the remainder over the next three years.

The committee was somewhat less agreeable when it came to paying the chief for more than 4,000 hours he said he was owed in compensatory time.

Township attorney Jerry Dasti said that officials had to rely on "good will" that Smith worked those hours. It would cost too much, he told The Asbury Park Press, to fight Smith in court.

Officials agreed to pay him for 480 hours, about \$28,000. Another 600 hours will be used as comp time by the chief between Sept. 1 and Dec. 31, when he steps down.

Under Smith's contract, he could have remained until the mandatory retirement age of 65, which he will reach in 2012. The

buyout is an amendment to an agreement which recognizes Smith's service, but states that "both parties acknowledge and agree that it would be in the long-term interests of the township, the police department, and its citizens, that the police department seeks new leadership and guidance in the coming years."

Some officials were incredulous that Smith had been allowed to bank that amount of accumulated time. Said Gary Brower, an independent candidate for the committee: "I have never been in a job where you can carry over unlimited vacation time. It baffles the mind to think that we not only have this contract, but that we have other contracts. It's like a ticking bomb."

The police department has approximately \$1.4 million in accumulated time. Committeeman Thomas Hartman told The Press that the township will negotiate to set a limit on how many hours can be banked.

"This problem has been around for years," he said, "a problem we promised you six months ago that we would look at, tame our time and fix. This is step one."

## Staying nearby

Kansas City, Mo., may be losing its police chief, but Rick Easley is not going far. Last month, the chief announced that he would be resigning on Oct. 1 to head the city's Metropolitan Crime commission.

Easley, 53, was still a major when the Board of Police Commissioners chose him as chief in 1999, selecting him over several officers of higher rank. He joined the force in 1974.

During his tenure, Kansas City has seen its homicide rate fall to a 30-year low. Such



**Rick Easley**  
Relationship builder

was the renewed confidence in the department that, in 2002, voters approved a \$110-million capital improvement package that will pay for a new police academy. The agency's technological capabilities were also enhanced under Easley, who largely fixed its radio problems and installed cameras in squad cars.

Another project Easley initiated was Kansas City Together, a forum in which police could talk among themselves and with community members in a candid way about race relations.

"I was just fortunate to be the chief at

this time," he told The Kansas City Call. "The officers have worked hard to develop good relationships in the community. Those relationships are critical. We are not going to be successful in fighting crime if we do not have community support."

Easley will be replaced on an acting basis by Deputy Chief **Rachel Whipple**, a 24-year veteran who said she would not seek the position permanently. Whipple is the first woman to ever serve as Kansas City's chief.

Others from the department who have thrown their hats into the ring include Deputy Chief **George Roberts**, who is assigned to the administrative offices, and Deputy Chief **Vince Ortega**, who commands the patrol bureau.

The crime commission over which Easley will preside was started in 1949. It oversees several community programs, including the TIPS Hotline and Project Ceasefire.

## The real blue knight

There's body armor, and then there's real body armor — the metal kind — doffed by Rutherford, N.J., Police Officer **Steve Villareale**, who moonlights as a knight at a local dinner theater.

Villareale, 32, began working at the Medieval Times Dinner and Tournament in Lyndhurst as a teenager. A horseman since the age of 12, Villareale competes as the Red Knight in jousting contests using a lance to snare rings hanging over the court. He also slugs it out with other knights before a 1,300-member audience using swords, axes and maces.

The job is so much fun, he said, that he postponed becoming a police officer for several years. Villareale joined the Rutherford force a year and a half ago. He works roughly 20 hours a week at the theater, performing days during its four-month matinee season and evenings when he has a night off from police work.

Over the past 15 years, Villareale has been a jack of all trades at The Castle, as insiders call the theater. He started out at the gift shop and eventually became a knight. At other points, Villareale has served as lighting and sound manager as well as master of

## Twists & turns in race-bias case

A police officer in Rialto, Calif., has accused the police chief and deputy chief of giving racially-based preferential treatment to some employees. In this case, however, the complainant is Latino, and the officials — along with the beneficiaries of the alleged favoritism — are black.

The \$10-million discrimination lawsuit filed by Officer **Aaron Vigil**, 33, who is Mexican American, charges that Chief **Michael Meyers** and Deputy Chief **Arthur Burgess** meted out less severe discipline to black officers.

Vigil's duties as a field training officer and member of the SWAT team were revoked this year following an internal affairs investigation into the sending of a "sexually suggestive" email to a dispatcher. He was accused of groping a female officer, although investigators found nothing to substantiate the allegation. Two years ago, Vigil was accused by a dispatcher of making a racist comment about another female employee. He was cleared by an internal investigation.

Meyers, a former deputy chief with the Oakland Police Department, dismissed his critics as the bigots who once dominated the agency. Prior to his taking command in 1998, the Rialto department was rife with racism, Meyers said. In fact, the agency was in the midst of a Department of Justice investigation into allegations of racism and sexism.

"Change occurred in the community, and the police department did not change at the same time," said Meyers. "There was abject racism in the organization."

During the 1990s, the city's Latino population doubled to 51 percent, while its white population fell from 44 percent in 1990 to 21.5 percent in 2000. It is the only city in the Inland Empire region

ceremonies. He once even climbed the theater's catwalk to untangle a protective netting intended to shield the audience from splintering lances.

"Steve Villareale is probably the most exciting knight," said Head Knight **Rhath**



**Michael Meyers**  
Charges and counter-charges

where the percentage of whites lags behind that of Hispanics and blacks, who made up 21 percent of the population in 2000.

Over the past six years, 64 officers have left the force — the vast majority of them white. Attrition is high, Vigil's lawsuit contends, because the uneven treatment by Meyers has created a hostile work environment.

"Other individuals in this organization could not deal with the changes in this community, specifically ethnicity," Meyers told The San Bernardino Sun.

Meyers noted that the Rialto force is the most ethnically diverse in the region. Just over half the force — 51.9 percent — is white. Blacks account for 24.1 percent of officers; Latinos 19.4 percent, and Asian

Americans 3.4 percent. Women make up 17.6 percent of the department's sworn ranks.

Vigil is suing for breach of contract; discriminatory hiring practices, negligent hiring, training, supervision and discipline; intentional infliction of emotional distress, and slander.

"What he's received for discipline is way out of proportion to what similarly situated African American officers have received," said Vigil's attorney, **Joseph Hayas**.

The suit, filed in San Bernardino Superior Court in June, specifically questions the conduct of two black officers, **Darrell Lockley** and **Rodrick Clayton**.

According to documents filed in Los Angeles Superior Court in 1995, Lockley was convicted of two counts of felony check forgery in 1990. A confidential memo obtained by The Sun also found that he failed background checks conducted by the California Highway Patrol, Torrance, Compton and Los Angeles Park police departments. He joined the Rialto force in 1999.

Clayton was arrested in 2000 on suspicion of shoving his ex girlfriend, then waving a department-issue handgun at friends who were trying to pull her away, according to police reports. The district attorney's office declined to file charges.

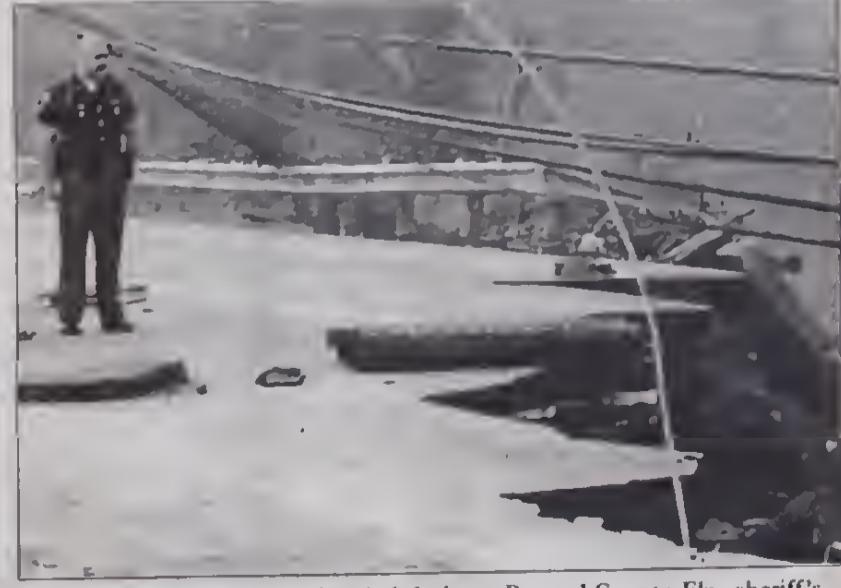
Meyers said that state law prohibits him from commenting on personnel issues, but added that in general he is not opposed to hiring someone who has learned from earlier mistakes.

Lockley and Clayton were awarded Medals of Valor last year for saving two children.

Many of his fellow officers and their families have caught his performance at Medieval Times. They don't make too much fun of him, said Villareale, although he added, "Every now and then I get a 'Sir Lancelot'."



## Water, water everywhere



Recent hurricanes have meant more work for law enforcement agencies. At left above, Brevard County, Fla., sheriff's deputies divert traffic on the Pineda Causeway leading to the barrier islands north of Melbourne during Hurricane Frances. At right, Belmont County, Ohio, Deputy Ron Miro surveys damage to State Route 40 near Wheeling Creek, as the remnants of Hurricane Ivan dumped heavy rains that caused rivers to overflow their banks.

(Reuters)

# Seeking a master plan to fight terrorism

(Following are among the key law enforcement-related recommendations from the 9/11 Commission Report. References are to page numbers in the authorized edition published by W.W. Norton & Company. The report is also available on the commission's Web site, at [www.9-11commission.gov](http://www.9-11commission.gov))

**Vigorous efforts to track terrorist financing must remain front and center in U.S. counterterrorism efforts. The government has recognized that information about terrorist money helps us to understand their networks, search them out, and disrupt their operations... (382)**

**Targeting travel is at least as powerful a weapon against terrorists as targeting their money. The United States should combine terrorist travel intelligence, operations, and law enforcement in a strategy to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility. (385)**

**The U.S. border security system should be integrated into a larger network of screening points that includes our transportation system and access to vital facilities, such as nuclear reactors. The President should direct the Department of Homeland Security to lead the effort to design a comprehensive screening system, addressing common problems and setting common standards with systemwide goals in mind. Extending those standards among other governments could dramatically strengthen American and the world's collective ability to intercept individuals who pose catastrophic threats. (387)**

**The Department of Homeland Security, properly supported by the Congress, should complete, as quickly as possible, a biometric entry/exit screening system, including a single system for speeding qualified travelers. It should be integrated with the system that provides benefits to foreigners seeking to stay in the United States. Linking biometric passports to good data systems and decisionmaking is a fundamental goal. No one can hide his or her debt by acquiring a credit card with a slightly different name. Yet today, a terrorist can defeat the link to electronic records by tossing away an old passport and slightly altering the name in the new one. (389)**

**Secure identification should begin in the United States. The federal government should set standards for the issuance of birth certificates and sources of identification, such as drivers' licenses. Fraud in identification documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding**

aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists. (390)

**Hard choices must be made in allocating limited resources. The U.S. government should identify and evaluate the transportation assets that need to be protected, set risk-based priorities for defending them, select the most practical and cost-effective ways of doing so, and then develop a plan, budget, and funding to implement the effort. The plan**



**A satellite's-eye view of the Pentagon shows the west wall where the 9/11 terrorist attack struck, killing 189 people. (Source: Space Imaging)**

should assign roles and missions to the relevant authorities (federal, state, regional and local) and to private stakeholders.... (391)

**Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities. Now, in 2004, Washington, D.C., and New York City are certainly at the top of any such list. We understand the contention that every state and city needs to have some minimum infrastructure for emergency response. But federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on the risks or vulnerabilities that merit additional support. Congress should not use this money as a pork barrel. (396)**

**The TSA [Transportation Security Administration] and the Congress must give priority attention to improving the ability of screening checkpoints to detect explosives on passengers. (393)**

**Emergency response agencies nationwide should adopt the Incident Command System (ICS). When multiple agencies or multiple jurisdictions are involved, they should adopt a unified command. Both are proven frameworks for emergency response. In the future, the Department of Homeland Security should consider making funding contingent on aggressive and realistic training in accordance with ICS and unified command procedures. (397)**

**Congress should support pending legislation which provides for the expedited and increased assignment of radio spectrum for public safety purposes. Furthermore, high-risk urban areas such as New York City and Washington, D.C., should establish signal corps units to ensure communications connectivity between and among civilian authorities, local first responders, and the National Guard. Federal funding of such units should be given high priority by Congress. (397)**

**Information procedures should provide incentives for sharing, to restore a better balance between security and shared knowledge. (417)**

**The burden of proof for retaining a particular governmental power should be on the executive, to explain (a) that the power actually materially enhances security and (b) that there is adequate supervision of the executive's use of the powers to ensure protection of civil liberties. If the power is granted, there must be adequate guidelines and oversight to properly confine its use. (394)**

**Improved use of "no-fly" and "automatic selectee" lists should not be delayed.... This screening function should be performed by the TSA, and it should utilize the larger set of watchlists maintained by the federal government.... (393)**

**We recommend the establishment of a National Counterterrorism Center (NCTC), built on the foundation of the existing Terrorist Threat Integration Center (TTIC). Breaking the older mold of national government organizations, this NCTC should be a center for joint operational planning and joint intelligence.... (403)**

**A specialized and integrated national security workforce should be established at the FBI consisting of agents, analysts, linguists and surveillance specialists who are recruited, trained, rewarded and retained to ensure the development of an institutional culture imbued with a deep expertise in intelligence and national security. (426)**

*"I had a hunch. . ."*

## Researchers try to validate police intuition

**Continued from Page 1**

"home in on what this intuition really is," Pinizzotto told Law Enforcement News, "to say, 'yes, intuition exists, these are the components, these are the ways in which you could identify it, these are the elements, and these are the ways in which it can be taught'"

It is very unusual to show intuition in more than one specific area, or "domain," such as interrogation or spotting vehicle theft, he said. Yet some officers do possess

such ability. There are also officers, said Pinizzotto, who show intuition from the moment they join the force. Some of the most intuitive people are those who have developed some street smarts prior to becoming police, or whose experience on the force has sharpened their instincts, he said.

"Whether they developed it, or that sense of intuition became more finely honed is a question that law enforcement officers brought up, and they don't know," Pinizzotto said. "But it certainly seems that experience and exposure helps one to either develop or finely tune one's intuitive abilities."

One of the issues that researchers believe needs further investigation was whether different domains — particularly those that involved dangerous situations — provoked different cognitive processes, said Pinizzotto.

"It's qualitatively and quantitatively different when someone is approaching an individual on the street and gets that intuition or gut feeling that there is danger," he said. "We make the distinction between top down and bottom up, whether it is

something cognitive that begins the process that then triggers the visceral reaction, or something that begins on the visceral level that the person then says, 'Ah, danger, let's look for it.'"

On the other hand, said Pinizzotto, it could be during an interview that an investigator picks up on cues which cannot be articulated, but make him dig for more.

"That, I think, starts at the top and works down," he said.

Neurobiology may hold part of the answer.

In their paper, Pinizzotto and his colleagues cite the journalist Daniel Goleman whose book "Emotional Intelligence" examined the work of scientist Joseph LeDoux. In his study of brain anatomy and emotions, LeDoux found that signals from the eye and the ear travel first to the amygdala — the portion of the brain that acts as an "emotional sentinel" — before a second signal reaches the neocortex, or the thinking brain. This high-speed sequence of events gives people the ability to

initiate a response to danger signals before fully becoming conscious of them.

"Whether explained as an uneasy feeling, a gut reaction, 'a cop's sixth-sense,' or overlapping neural networks," the authors note, "the result is the same: law enforcement officers perceive danger signals that trigger alarms in their brains that set their bodies in motion."

While there is a wealth of scientific information available, it is difficult to compare controlled studies done in laboratories to actual experience, Pinizzotto told LEN. Researchers can heighten the level of anxiety that subjects feel during an experiment, but unlike the street, participants know that they will walk safely away from the lab setting.

"What we're trying to do — I think we're making some headway — is look at the street experience, look at the lab experiments, and try to make those laboratory experiments much more realistic so that we can attempt to determine what about this process is intuitive," he said.

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Brian M. Jenkins, the Senior Advisor for Terrorism at the Rand Corporation, has a bold idea when it comes to the problems that the United States is facing with intelligence gathering at home in a post-9/11 world. Let the nation's police departments do it.

Given his threat assessment that Al Qaeda is "decentralized and diffused" and recruits at the local level, who better to handle intelligence gathering than local law enforcement agencies? "They know the turf [and] are more acceptable to the local community," he notes, and unlike federal agents, local cops don't relocate every three years or so. Jenkins is not a big believer in the "hub-and-spoke arrangement" that is currently in vogue; he would rather see local police agencies get federal resources to network their information and share it. Creating yet another new federal agency would merely add another bureaucratic obstacle that could once again dangerously hamper intelligence communications and compete for funding with other federal agencies. "To create a new agency takes you five years. We can come out the chute at a run in less than a year" by using local police, he believes.

Jenkins is the first to admit that such an arrangement would make federal officials, as well as many of their local counterparts, turn pale. But if Jenkins is being daring with this concept, it's because he can afford to be. He's not one of the many "Johnnies come lately" who has suddenly become an expert on terrorism since the Sept. 11, 2001, terror attacks. He's been studying terrorism as unconventional warfare since the 1970s.

When Jenkins founded Rand's terrorism research program in 1972, he was not long removed from his service as an Army captain with the Special Forces in the Dominican Republic and Vietnam. Since then, he has written and advised the government and the private sector on such wide-ranging issues as terrorism and the nuclear threat, aviation and surface transportation security, improving governmental communications during crisis, legislation and policy, hostage taking and kidnapping. He has also served as a deputy chairman of Kroll Associates, a Los Angeles-based global security and consulting firm.

Jenkins's biggest fear is complacency. "In this country," he notes, "we have the attention span of a cricket." He recalls that in that late 1990s he was testifying before Congress on the issue of funding for aviation security when he was asked, "We haven't had a hijacking in years. So why should we spend this money." As is now known, Al Qaeda operatives were already in this country at the time he was giving his testimony, and were making their plans to hijack planes and use them as weapons of mass destruction. Although there has not been an attack on the U.S. homeland since 9/11, there is every reason to believe that Islamic terrorists are still embedded in the population, waiting for the right moment to strike.

**Coming up:**  
LEN talks to  
former chief Michael  
Scott, director of the  
Center for Problem-  
Oriented Policing.

## The LEN interview

# Brian M. Jenkins

## Rand Corporation terrorism expert

Law Enforcement News interview  
by Marie Simonetti Rosen

**LAW ENFORCEMENT NEWS:** You have been warning the country about terrorism since the 1970s, yet it seems that no one listened. Why have we so grossly underestimated the threat?

**JENKINS:** I wouldn't say that no one listened. I think there was gradually increasing government attention being paid to the issue. I wrote some memoranda about this, gave a number of briefings and suggested at the very beginning of the 1970s that terrorism was likely to increase, become increasingly international and could affect us and our allies in a variety of ways, and therefore this was a phenomenon that we should take a closer look at.

Then there were two particularly shocking episodes in 1972 that really galvanized the world and the U.S. government to address the problem in a more systematic fashion. There had, of course, been incidents of international terrorism before that — kidnappings of American diplomats in Latin America and elsewhere, numerous hijackings of airliners, bombs going off in this country and abroad — so one only had to take a few small steps beyond the headlines of the day to suggest without being prescient that this was a growing phenomenon, and I outlined why I thought it was increasing and likely to increase. As I say, people were addressing it, but it was a threat that did not match our institutions. And that's always a problem.

**LEN:** Let's fast-forward to 1993, and the first terrorist attack on the World Trade Center. Even after that we weren't galvanized into action, it seemed...

**JENKINS:** Yes, although there were, in the 1990s, a number of presidential directives that reflected growing attention to the issue, and that in turn was reflected in increasing resources being directed to the issue. I mean, they did create in the 1990s the National Infrastructure Protection Center to look at how we might better protect critical components of our infrastructure. There were other presidential directives that reflected a careful review of our strategy for combating terrorism. There were also a series of commissions that were created: the so-called Gilmore Commission, which was created to look into the security of the homeland and protecting the homeland against terrorism. There was the Deutsch Commission, which looked at the specific issue of weapons of mass destruction, with a major component of it addressing the issue of weapons of mass destruction in the hands of terrorists. There was the Bremer Commission, which in its 2000 report underscored the continuing threat posed by terrorism. All of these commissions made a number of specific recommendations. There was also the Hart-Rudman Commission that talked about the need for making some fundamental change in how we collect, analyze and disseminate information to deal with this issue.

A couple of others were, I think, critical. At the very beginning of the decade, there was the report produced by the McLaughlin

Commission, which was convened to look specifically at Pan Am 103, but went much broader and looked at terrorism in general. There was the White House Commission on Aviation Safety and Security, which I served on — I had the privilege of being involved in all of these, either as an advisor or consultant or member of these commissions. But the White House Commission on Aviation Safety and Security, which convened in 1996 and reported out in 1997, said, look, we're not doing enough here.

So we have a series of commissions, and if you read all of their reports, collectively they say the same thing: This threat is serious; it is more serious than we think, it is going to continue and may very well get worse; we are inadequately organized to deal with it. And that message was repeated.

The problem is that, absent a spectacular event, we have a lot of things in our society



**"You can create new organizations, you can impose new procedures, but to change the culture of... large organizations in government is extremely difficult."**

that compete for resources. I remember arguing in Congress for what the White House Commission on Aviation Security had recommended, and in 1996 we had asked for a \$260 million supplemental, and a commitment to spend \$100 million more a year to insure these improvements in aviation security and the deployment of explosives detection technology. That was an uphill fight because I was asked, "Mr. Jenkins, when was the last hijacking?" Well, the last hijacking was years before, so why should we spend taxpayers' money to deal with this? Now, again, keep in mind the amount: 200 million. Compared to what we're spending today, this was spit. But there was great resistance to it, and people even asked, does this meet the standards of cost-benefit analysis? There was a reluctance to spend the money. People wanted a dividend from the end of the cold war. People wanted to dismantle a costly national security structure. Simply, again, whether it's embassy security or aviation security or anyone of these areas, there was great reluctance to commit these resources.

The No. 2 issue was institutional barriers — which is a problem today, by the way, even after 9/11. The fact is, you can create new organizations, you can impose new procedures, but to change the culture of an organization, particularly large organizations in government, is extremely difficult. In the Defense Department, they have their preferred threats, and looked at the threat through the bores of their own weapon systems. They tended to see enemies that matched their capabilities, as opposed to recognizing that things were fundamentally shifting and that threats were arising against which our organizations and weapons capabilities were largely irrelevant.

**LEN:** In the aftermath of 9/11, we had the

creation of the Department of Homeland Security, the most sweeping restructuring of the federal government in a half-century. Do you think this new department is, or will be, effective, or are they just shuffling boxes on an organization chart?

**JENKINS:** Certainly there is a logic in consolidating security functions. The problem with addressing a threat like terrorism was the fact that, going way back, everybody had a piece of the action; no one was in charge. That makes it extremely difficult for government to coordinate its activities. Indeed, it makes it extremely difficult even to compete in government for the resources. It wasn't anybody's primary mission; it was everybody's secondary or tertiary mission, and therefore it did not have, either in Congress or the Executive Branch, a strong, single voice that would speak on behalf of domestic security. It also makes sense just in terms of efficiencies, and economies of scale. You know, we have Border Patrol, we have Customs, we have Immigration, Department of Agriculture inspections, so in a sense in landing in an airport in crossing the border, you could be handled by three or four different agencies, with three or four different data systems. Is that the most efficient way to do things? The answer is, probably not. And therefore, it made sense consolidating.

At the same time, if we look at a large corporation going into a huge merger — like AOL-TimeWarner, for instance — it takes enormous effort and two or three years to really create and weld together a single effective corporation. Now that's in the private sector where there are far fewer barriers than in government. In the Department of Homeland Security, it's in effect the equivalent of a merger of 22 corporations. So it's going to take some time to sort that

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# Interview: Terror expert Brian Jenkins

Continued from Page 9  
out. Eventually, it should get better

## In search of a strategy

**LEN:** In terms of the competition for resources, even now there's still a lot of anger at the way the funds are being distributed. New York city and state, for example, have been sharply critical of the funding formula, arguing that it does not properly recognize high-risk terrorist targets. What do you think of this whole thing, and how would you allocate resources if it were up to you?

**JENKINS:** In an ideal world, we would have a national homeland security strategy that would determine national priorities and then allocate resources according to those priorities. And those priorities would be based upon a combination of various criteria. In some cases it would be the consequences of a successful attack if an attack were to occur, and there are some things we're going to invest in protecting even absent any intelligence indicating that the terrorists are going to do something. For example, we are going to protect nuclear reactors because they are nuclear reactors. We invest heavily in protecting the president

things, like whether it's more likely we're going to have a dirty-bomb attack or a chemical attack or a biological attack.

Because of that, that's going to take time. But let's back up to a World War II analogy. Right after Pearl Harbor we started mobilizing troops, building tanks, expanding the navy. Eleven months after Pearl Harbor, in November of 1942, we landed 100,000 troops on the shores of Africa. Did we have the war strategy worked out at that time? No, we did not. In fact, President Roosevelt and Winston Churchill were still meeting in places like Casablanca and elsewhere to sort out war strategy. We had some notions. Were we really effective even in our war fighting capabilities when we first went into North Africa? No, we lost all the first battles. It was a steep learning curve over a period of time. Did a lot of things go wrong? Yes. But ultimately, within three years of Pearl Harbor, we were approaching the Rhine River and MacArthur was wading ashore in the Philippines. In effect, we figured out along the way how to do it.

Now take that analogy and apply it to post-9/11. We don't have a national strategy yet. In a sense, the Department of Home-

land Security, and the other 95 percent of it hopefully will save a life on the highway or in a burning building.

## Preparation paradox

**LEN:** In general, how well prepared do you think local public safety agencies are to handle the kinds of destruction that can come with a terrorist attack?

**JENKINS:** It's very difficult to answer in general terms. You know, I'm an ex-soldier, and there's an infantry school answer, which is, it depends on the situation and the terrain. They are better prepared than they were. But here we have some ironies. I mean, as we know, local governments across the country are strapped for cash. You have numerous situations where, on the one hand, federal money for homeland security is being used to buy haz-mat suits for first responders in cities where at the same time they are laying off policemen and firemen because of budgets. We are spending money to improve our ability to respond to anthrax, ricin and smallpox, yet at the same time, because of local budget difficulties, we are closing hospitals. That's the reality. So you really ask yourself, gee, we're going to have a lot of gas masks and haz-mat suits and fancy diagnostic equipment, but if we only had a hospital and six nurses, we might be able to do something. But we don't, and that's one of the fundamental difficulties.

**LEN:** In a related vein, what role do you see local agencies playing in intelligence gathering?

**JENKINS:** I think, again, it speaks to one of those institutional barriers to change. We are beating up on the FBI now to really get smart about domestic intelligence, after we have spent the previous 25 years beating the hell out of them to stay out of domestic intelligence. It's really hard to change an institution's behavior; you have to bring about a cultural revolution. But insofar as intelligence collection is concerned, we are underutilizing the local law enforcement capability. It is a tremendous resource that is not utilized properly. This is particularly true given the threat situation. We know that these people recruit at the local level.

We also know that since 9/11, we have made the operating environment more difficult for them internationally. We've made it more dangerous for them to communicate, move money, move across borders. We're dealing with something that is far more decentralized and diffused now. Instead of a single, centralized Al Qaeda, we're dealing with many little Al Qaedas. And we've also discovered in every one of these cases where there's been a major terrorist attack that the underground network that was created is far greater than anything anyone ever imagined. People have been there for years building a network. That's the threat background. If you were dealing with a highly centralized thing, where all of your intelligence basically flowed from a cave someplace, then the local authorities would be entirely dependent on the federal government for the flow of intelligence. But it could never work entirely that way, and it certainly is not the way it works now, which means we have to get very good at local intelligence collection. We have relied almost exclusively on the FBI, and we have ignored the capability of local law enforcement. Now, when I say local, remember that we have 18,000 police jurisdictions in this country, so I'm not

talking about the deputy sheriff in Elephant's Breath, Neb. I'm talking about our major urban departments where they have sufficient numbers. In New York City, to give one example, they have taken about 2 percent of their force and devoted them to counterterrorism, of which a portion is devoted to intelligence. These people are recruited locally so that they reflect the community. They also reflect the ethnic makeup of the community. There's more language capability in the New York City Police Department than there is in the FBI. They also know the neighborhood better, and they don't move every three years. They are good street cops and street detectives, and they know the turf. Because they are local, they are often more acceptable to the local community.

Now, in order to make it work, what we would have to do is shift some resources to the local police departments, because it costs money to assign these guys to this job. And as I told you, this is a time when they're laying off policemen. We would have to ensure that they are trained to do this. As I say, again, we can take good street detectives and we can give them some additional training, some additional technology. Let's say we just took 1 to 2 percent of the major urban police departments. We could easily come up with 12,000 to 15,000 devoted to intelligence, which nationally exceeds anything that the bureau can field.

The disadvantage, of course, is that they are not netted, in the sense that if they have a particular subject of interest, and that person goes from Baltimore, gets on an airplane and goes to Los Angeles, they lose him. And so what you would want to do then is to net them so they can pass off these subjects and sources across the country. Now, the FBI would assert that the joint terrorist task forces do this. But that still sounds to me like a hub-and-spokes arrangement. The information has to go up to Washington and come back down. And it often goes up to Washington and disappears. So my view is, all right, so let's create a network here. Give them all the same laptops, put in the right software. And let them autonomously organize according to issues of interest.

Now, the people in government will pale at that. First of all, it's a loss of control: "You can't do it; it's chaos." The fact is, if you take any one of the high-tech multinational firms, and you say, "Look, we have to create a network that is going to cut across our business lines and enable people in this corporation to share knowledge and come together on various issues," the corporations will tell you that it's easy to do. Wal-Mart, HP, IBM — they know how to do this. So it's not as if this is some tremendous obstacle. The obstacle is not technological; it's an institutional obstacle.

**LEN:** Let's say that, by some miracle, the federal government, particularly the FBI, gave this idea of yours its blessing. Even with that, there's a real fear in police departments that would fit under the heading of political correctness. Even the phrase "intelligence gathering" can turn them pale....

**JENKINS:** Domestic intelligence gathering has been an area that local police departments have been very, very wary about. It caused them nothing but trouble in the 1960s and the 1970s. There were, in fact, a lot of silly things being done. And that is

**"Insofar as intelligence collection is concerned, we are underutilizing the local law enforcement capability."**

and leadership of this nation. We're going to do those regardless of whether we have some chatter from Al Qaeda or other groups that they are contemplating doing something in those particular domains. So some of it is consequence based. Some of it is based upon what we have seen terrorists do in the past. I mean, terrorists have clearly indicated that commercial aviation is an arena of combat for them. And so we are going to invest heavily in aviation security, as we have over the years. Another criterion is, in a sense, a combination of logical surmise and some "red-teaming," where we, in effect, are going to pretend to be the terrorists, and say, okay, what are the things we are going to do here? And then a fourth is going to be actual intelligence indicating what they're thinking about doing, and that's dynamic. Now, perhaps a fifth criterion is going to be, in some cases, the targets that we identify are inherently robust. So if we look at, say, Boulder Dam or Golden Gate Bridge, are they potential terrorist targets? Yes, but boy, they're really big. They're built to last for centuries, and they would not easily be taken down. Some other things are potential targets, but extremely difficult to protect — like when we start talking about public places. Terrorists could carry out suicide bombings in shopping malls, busy street corners, subways, train stations, people waiting in lines to get through security. Public spaces are public spaces.

At any rate, one would take these various criteria and say what would be the consequences in terms of immediate loss of life, long-term health risks, social disruption, economic disruption — and those are in descending order. You'd take all of this and put it into some sort of analytical Cuisinart, and it would give you a brilliant way of allocating resources nationally. That's going to take a lot of research, and a lot of people are going to even argue about some of those

land Security is still working out what it's going to be. But we can't hold up the full resources and say we're going to wait four or five years till we get a terrific strategy and then go ahead and do it. So the federal government is trying to get resources geared up, but it has been slow. The formula for the disbursement of those resources reflects two things: on the one hand, the absence of a national strategy and uncertainty about the threat, and on the other, politics. That's the way democracy works. So a third of the money is equally divided among the states. Another third is distributed according to population. And another third is distributed according to some notion of threat, but it's a little bit of a black box. But everybody gets something. Out in Horsepit, Mont., they're looking at a new fire truck. Will it, in some way, raise capabilities nationwide? Yes, hopefully. Is it inefficient? Yes. Will it get better as we get smart about this thing? Yes.

Now, look at from the other end, the receiving end. Let's say some rural county, if you looked at it on a per capita basis, is getting about 10 times as much as they're getting in New York City. And apart from the local, single strip mall, you can't figure out what targets exist in this place. But they got their money. So what are they going to do? They could potentially use that money to purchase something to deal with what they would regard as a exotic and remote threat. Or, when we sort of joke about their new fire truck, in fact, they could point out, "Look, 40,000 people die on the highways every year; we're going to have a new rescue vehicle, and we might save a life or two." Makes sense.

**LEN:** But is that really homeland security?

**JENKINS:** Well, in this particular case maybe, if you could divide a fire truck, you could say okay, 5 percent of this is Home-

# "What I think is more worrisome from the standpoint of civil liberties is arbitrary action, where basically an assertion is made: You can do anything in the name of national security. There are no procedures, no rules, no way of examining that. That's arbitrary power."

something that people are going to have to be able to address. I think there is an understanding that the intelligence is needed, and so it is not a question of whether we are going to do it or we are not going to do it; the answer is we should do it. Then the issue is, who best can do it to address some of these concerns? My view is that the local departments are much better equipped — ethnically, linguistically and politically — to address that and to mitigate those potentially adverse consequences. Much better equipped than the feds.

**LEN:** In what one could argue is part of an anti-terrorism strategy, the feds are asking locals to have some of their people trained in immigration law. Only a few states are currently participating, having sent a couple dozen officers to be trained in immigration enforcement. There's still a lot of resistance by local police departments to get involved in this....

**JENKINS:** They don't want to do things that are going to alienate the very community that they set out to help, and want to have helping them do their police job. And one can see that. There's not an easy answer to this. Domestic intelligence gathering is going to be an extraordinarily sensitive topic, as it should be in a democracy.

## Legislative fixer-upper

**LEN:** In a related vein, a lot of people point to the USA Patriot Act, and say, it's got to go, it's too troublesome; it's too invasive....

**JENKINS:** And there are pieces of it where that is a fair issue to raise. The Patriot Act is a lengthy piece of legislation that was hastily enacted within the immediate shadow of 9/11. And as we look at a lot of legislation, especially that which is hastily enacted, including the legislation creating the Transportation Security Agency or DHS, you say, "You know, we knew our intentions here, but when we look at it, this isn't quite right, and we have to fix this one up." Now when it comes to some of these areas, there is going to be, I think, an appropriate debate. The fact that things get noisy and contentious doesn't bother me. What I think is most important, in every country that has had to deal with a terrorist threat — Italy, France, Germany, the U.K. — they are all liberal

democracies. They have all been obliged to change the rules to improve intelligence collection, to enhance police powers, to create some new areas of crime, and in some cases to alter trial procedures. They have all done so, and yet they are all clearly today still liberal democracies.

So the issue here is not, can we change the rules? The answer is, yes, we can change the rules; we can debate how we are going to change those rules — so long as there are rules. What I think is more worrisome from the standpoint of civil liberties is arbitrary action, where basically an assertion is made: You can do anything in the name of national security. There are no procedures, no rules, no way of examining that. That's arbitrary power. I'm not squeamish about getting tough on these issues. In some cases, yes, we're going to change the rules, but everybody's going to understand the rules, and everybody abides by the rules. What we're not going to get into is well, we don't have a rule here, but it's just an assertion of authority. You go off and disappear for a couple of years — and if we make a mistake, tough. That I don't buy.

**LEN:** Are there any particular areas of the Patriot Act that you think should be enhanced or diminished? Areas that are particularly problematic or troublesome?

**JENKINS:** That gets long and complicated, it's really technical. Now, in some cases — how shall I put this without getting myself in deep trouble here? — our public officials are sometimes capable of dumb statements that are pretty flat-footed. Let me give a concrete example. All sorts of data are collected now about us every day — when we board an airplane, when and where we use our credit cards — there was this research that was initiated to look at how that material could be utilized to assist in investigations, or in intelligence collection. A fair thing to explore. But somebody decided to label that "total information awareness," which was probably one of the worst titles they could have chosen, and to use as a symbol the pyramid and eye peering out. As I say, they handled it in ways that I think were just politically tone-deaf. Instead of saying, look, there's lots of data that's already available. We're not going to create the single massive

federal government data base, where every time you go through an intersection it's recorded somewhere. In fact, that's probably not even doable, so don't worry about that. What we're saying is, this stuff is available already, it's in 50 different places. The question is, can we do this, and can we do this even while ensuring that we protect privacy? The way these things are sometimes described and presented and portrayed is what leads people to say, "What are these people up to here?" The federal government hasn't been its best spokesperson in its portrayal of these things.

**LEN:** We've heard some people say that they understand the data sharing, and they don't mind it, they understand some parts of the Patriot Act, and they don't mind that either. But their caveat is, it has to be used for terrorism. So when they see that the authority, and the information, is being used to catch pedophiles or to get drug dealers....

**JENKINS:** That is a fair issue. These are very sensitive things; they should be used only for national security purposes, and not end up being used to track deadbeat dads, or things like this.

## Rethinking intelligence

**LEN:** The 9/11 Commission's work has been completed, and its report calls for a major reorganization of the nation's intelligence community. One idea that's been floated for some time would entail the creation of a domestic intelligence agency along the lines of Britain's MI 5....

**JENKINS:** I'm not enamored of an MI 5. A lot of people say, what we really need is an MI 5, but then you when ask them what MI 5 is, they haven't the vaguest idea. Here is a problem we have to address, whether we address it within the context of the FBI or we have to create something different. The problem right now is that even though we have admonished the FBI to move into the area — again, after heating them up and telling them to stay out — I don't think the clear institutional incentives are there yet. Look, if you are appointed SAC in some city in the United States, and you spend a lot of time and devote a lot of attention and resources to counterterrorism. If you are completely successful, what will happen during your three year tenure in that post?

Nothing. And so your next promotion will be on the basis that nothing happened. Or you can go out and catch some bank robbers, put some notches in your pistol, and go for your promotion on that basis.

Having people moving between intelligence and conventional law enforcement investigations is rough to do. You may have to set up either a different institution or, certainly, a different specialized career corridor to do that. I've already indicated that I think we can make vast improvements, which I think we're ignoring in talking about creating yet another federal institution. The response of the federal government invariably is to create another institution. What I would argue strenuously is that we already have a tremendous resource in this country in local law enforcement. Before we create yet another institution that, predictably, will then compete with all the other institutions in Washington, why don't we figure out how to capitalize on resources we already have in the field? I would bring it right back to the cops. To create a new agency takes you five years. We can come out of the chute at a run here in less than a year.

## Playing well with others

**LEN:** The private sector would appear to have a significant stake in homeland security, yet they're not exactly in the forefront of all this. Certainly the headlines don't reflect any such prominence to their role. In the immediate aftermath of 9/11, the issue of communications interoperability took on a special poignancy, and it remains a problem even now, a few years later. How much of this problem do you think is related to telecommunication companies declining to come together on this — for reasons that might include profit, protecting intellectual property and the like? What could they be doing to improve this situation?

**JENKINS:** Well, that is a continuing problem. It is even a continuing problem in the military. Getting communications systems that can all talk to one another is a major issue. Part of it may be some resistance on the part of the private sector, but at the end of the day, the private sector has to sell these things. Institutions make the decisions that say, look, this will be the criteria, and dictate interoperability criteria across the board. You can have a patent, and

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**THAT WAS THEN:** In one of the galvanizing events in the recent history of terrorism, a Palestinian terrorist peers out from the scene of the 1972 Munich Olympic massacre.



**THIS IS NOW:** Greek security forces engage in a counterterrorism training exercise prior to the recent Athens Olympics, where the tightest security ever produced an Olympiad virtually without incident. (Free Press International)

# SHORT TAKES

## Weather or not

The spectrum of information available through weather radios that often sell for less than \$100 will be broadened to include news about such man-made emergencies as chemical spills, breakdowns in the 911 system, terrorist attacks and changes in the color-coded national threat level, under an agreement reached recently between the Department of Homeland Security and the National Oceanic and Atmospheric Administration (NOAA).

Approximately 15 percent to 20 percent of Americans own weather radios, which alert listeners to tornadoes, floods and other natural disasters. Ownership is particularly high among those who live in coastal areas.

The new network "is going to be automatically part of the national response to alerting the public to dangers," said Conrad Lautenbacher, head of NOAA, the federal agency that oversees the National Weather Service and operates the emergency network that broadcasts messages to weather radios.

When an event such as a chemical spill occurs, the radio will emit a loud tone — even if it is not turned on. Following the tone will be information about the emergency and instructions on what to do. A broadcast can be sent across regions or even nationally, if warranted.

## Think again

A Manhattan supreme court justice has ordered the New York City Police Department's medical board to reconsider a case involving a transit officer who was turned down for disability pension despite claiming to have contracted H.I.V. on the job.

The board's decision was "totally irrational, arbitrary and capricious," said Justice Rolando Acosta. Under city law, he said, any police officer with H.I.V. is assumed to have contracted it on the job unless evidence can be shown to refute that.

According to court papers, the 34-year-old officer, identified as Jane Doe, was diagnosed with the virus in 1999 and now has full-blown AIDS. She was found medically unfit for duty by a police surgeon in 2002, but the medical board determined that she was not disabled.

Assistant City Corporation Counsel Inga Van Eysden said she planned to argue that the plaintiff told her doctor she had caught the disease through unprotected sex. Justice Acosta said the officer had established that she had been bitten and punched in both eyes while subduing a suspect.

## Vested interest

Some 900 of Newark, N.J.'s 1,400 officers will be required to wear protective vests in the wake of four non-fatal shootings of police in July.

In the past 19 years, only four Newark officers have been

shot on duty.

"To have this many people shot in such a short span is very disconcerting to our officers," said Jack McEntee, president of Fraternal Order of Police Lodge 12. "They're angry about it."

Officials attribute the rise in violence to department efforts to disrupt the "comfort zone" of drug dealers in a number of areas around the city by deploying an additional 100 officers, said acting Police Chief Irving Bradley.

The shootings are being treated as unrelated incidents.

Acting Police Director Anthony F. Ambrose said that the department would also eliminate the use of one-officer cruisers after midnight in certain areas. Calls for high-risk crimes, he told The New York Times, will always be answered by no fewer than four officers. The department has also formed a committee of police officials and scholars to study the shootings and their causes, The Times reported.

## Strip maul

New York City have settled for \$650,000 a 2001 federal lawsuit that accused officers at Brooklyn's central booking facility of routinely violating people's rights by strip-searching them after arrests for minor offenses.

Two higher-court decisions make it is unlikely that the 20 plaintiffs will receive the type of money that plaintiffs in a similar suit were awarded in 2001. In that case, the city paid \$50 million — one of the largest legal settlements in city history — for illegal strip searches in Manhattan and Queens.

A federal appeals court in January overturned a trial court decision that had invalidated Nassau County's strip-search policy. In July, an appeals court reverse a trial court ruling that had barred Orange County from strip-searching detainees unless there was a reasonable suspicion of weapons or contraband.

In May, the city's Civilian Complaint Review Board recommended that the police department increase training in when strip searches may be conducted. Although the overall number of accusations was relatively small, the review board said, in most cases, CCRB investigators were told by officers and even some supervisors that their commands routinely conducted the type of searches considered violations of the police Patrol Guide.

Of the 85 strip-search complaints made between Jan. 1, 2002, and April 1, 2004, 16 have been substantiated.

## On a roll

It won't go coast-to-coast — it won't even do zero to 60 — but for zipping around Circleville, Ohio, the police department's new electric car seems to be just the ticket, officials say.

The \$6,300 vehicle, about the size of a golf cart, was

cut back on services, or do a little of both.

"Larger cities, like New York, are permitted to charge a sales tax, to have an income tax and other fines and fees we call user charges," she told LEN. "So [small municipalities] are more dependent on these kinds of revenue sources."

Because New York City is actually five counties, said Rubin, it can utilize revenue sources that are permissible for local government as well as those for counties.

The Mayor of Cohoes, John McDonald, estimates that his city, which is just north of the state capital in Albany, stands to lose roughly \$100,000 to \$110,000 a year — even with the adoption of a surcharge. State Route 787 dead-ends in Cohoes, he told LEN, and since the road was extended into the jurisdiction 15 years ago, local police have had to contend with a number of serious accidents and injuries. If the city has to make any types of service cuts, it would affect traffic enforcement on 787, said McDonald.

Most likely, he said, the city will raise taxes by 2 percent.

"I understand New York State's times, but the fact of the matter is, the taxpayers are going to have to pick up the burden," said McDonald.

purchased for the municipality with private donations and a large discount from an Athens car dealership. Known as the GEM, the car costs about 18 cents a day for a 10-hour, plug-in recharge. A regular cruiser, said Chief Harold Gray Jr., costs the department 15 gallons of gas a day, not to mention wear and tear on the vehicle.

"Most of your smaller communities could benefit from something like this," said Guy Patrick of Coughlin Automotive Group, which donated \$3,300 toward the purchase. "I came from a community where I had a business located in the downtown area and it is very important to have parking for your customers at all times."

The GEM goes no faster than 25 mph. It will be used by the department's parking-enforcement officer, Tonyea Adams, who now covers ground on foot. Using the vehicle, she will cover three streets a day, and will be able to expand her patrol to Circleville's outlying retail parking lots.

## Having funds yet?

The nation's compensation funds are underutilized by crime victims, too many of whom are excluded from coverage because they do not meet eligibility requirements, according to a new study that analyzed the September 11th Federal Victim Compensation Fund.

In "Repairing the Harm: A New Vision for Crime Victim Compensation in America," which was released in July, the Washington-based National Center for Victims of Crime concluded that just a fraction of those entitled to benefits under their state's compensation fund apply for them. In 2002, it said, compensation applications represented just 4 percent of violent crime victimizations.

Ninety percent of claimants were unaware that compensation existed prior to their victimization, said a study cited in the report. And less than half of victims who sought services were told of their availability.

Moreover, victims of non-violent crimes are too often excluded although they suffer the same consequences as those who have been violently victimized, including lost or damaged property, psychological problems and missed work.

The funding sources that pay out compensation are also unstable, said the report, because they rely on offender fines and court fees.

Among the center's recommendations was that the United States move toward a compensation system that recognizes economic losses beyond mental and medical treatment, funeral costs and lost wages to include job training and emergency day care. It also should recognize non-economic losses, said the group. The September 11th Victims Compensation Fund, it noted, mandated that victims receive such a payment.

## The cops' meow

While the cops are out catching the criminals, three feral cats let loose in the Los Angeles Police Department's Foothill Division station this year have been catching the rats and mice that once scurried through the facility's halls.

The wild cats are called the department's Fe-9 corps. They were introduced into the station's basement eight months ago by the Venice Animal Allies, a local animal rescue organization. Besides frightening those working at the station, the rodents had eaten their way through internal police records.

"Nothing works better than Mother Nature," said Capt. Kirk Albanese. "I've used more traditional methods and they weren't effective."

Two years ago, Albanese worked with the Venice Animal Allies to rid the Wiltshire Division of its pests. The group is now working to place cats at all of the city's 18 police stations.

Within weeks, most of the rats at Foothill were gone.

"It's our own little cat patrol," said Sgt. Christy Donorovich, who feeds the Fe-9 corps in the building's basement. "Since the cats have been here, nothing, absolutely nothing."

The cats used are not domestic pets, said Melya Kaplan, the organization's executive director. They are trapped and kept in cages for two weeks until they grow accustomed to police life, then let loose to do their job.

"They're working cats," she told The Daily News of Los Angeles.

# NY towns find the state giveth, and the state also taketh away

Continued from Page 1

"The DCJS really views this a traffic safety issue," said Jessica Scaperotti, an agency spokesperson, "in the sense that when you plead down speeding violations, you get two very undesirable results, one being you lose the deterrent effect of the speeding ticket, which is points on your license, [and] a heavy fine, which creates a safety issue for us."

"What a lot of people don't know," she told LEN, "is that the State Police write 54 percent of the tickets. The revenue from the tickets should pay for the law enforcement."

Scott Rief, a spokesman for the state Budget Division, told The Buffalo News that the state would like to get back the fines its officers generate.

"Essentially, it's state troopers who are writing the tickets, and they're heading out to the courts," he said. "Then these plea agreements would happen and, before this, the locality would get the money and not the state."

But the legislation affects local police, as well.

Smaller towns and municipalities have three options, said Marilyn Rubin, a professor of public administration at John Jay College of Criminal Justice. They can raise property taxes,

Greenberg:

# Needed: A new homeland security auxiliary

By Martin A. Greenberg

After the Sept. 11, 2001, terrorist attacks, the United States began to rebuild its Sky Marshal organization, update its psychological screening profiles, arm its commercial airline pilots, and to modernize and federalize the inspection of passengers and luggage. Such efforts are based on the "target-hardening" approach to crime prevention. In the 1970s, similar efforts significantly helped to reduce skyjacking.

Moreover, after 9/11, the public at large was asked to assume a greater role in controlling terrorism. All Americans were encouraged to be on high alert for any telltale signs — such as suspicious packages or strangers — that could imply that preparations were being made for terrorist actions. The threat of biological terrorism became a concern after letters containing a deadly strain of anthrax were found in the mail, leading to several deaths.

A Department of Homeland Security was created that merged more than 20 different federal law enforcement agencies. Congress passed a comprehensive aviation security bill that included a provision permitting police officers to travel armed so they could assist sky marshals aboard commercial airliners. However, such officers must be on board

*(Martin A. Greenberg is an associate professor of criminal justice and director of the Criminal Justice Graduate Program at Point Park University in Pittsburgh. He can be contacted at mgreenberg@pointpark.edu.)*

with regular sky marshals. The bill also required the federal government to take over all security screening at airports. By 2003, a new Transportation Security Administration had been established within the Department of Homeland Security and over 40,000 security screeners had been hired.

This past July, the 9/11 Commission, created in 2002, released its final report

providing a detailed account of the circumstances surrounding the Sept. 11 terrorist attacks, together with a list of recommendations designed to guard against future attacks.

The people of the United States, through numerous volunteer organizations, have created thousands of emergency response, patrol, and communication networks for

homeland security and community safety. It is now critically important for this country that citizens seek out membership in such established organizations as the Civil Air Patrol, the Coast Guard Auxiliary, police reserve units and community emergency response teams. As Tom Ridge observed during hearings on his nomination to be the

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## Manus:

# What the 9/11 panel missed

By Raymond Manus

The 9/11 Commission Report missed the significance of the "wall" prohibiting the flow of accurate information to policy makers. Instead, the bipartisan commission found agreement on four failures — imagination, policy, capabilities, and management — while their data provided ample examples of each. There was too much attention given to hypothetical scenarios to accept this report as a truly objective analysis. It appears that two highly partisan groups, each looking to embarrass the other, overlooked a significant problem.

The report indicates that numerous field operatives collected significant data in real time. These data had to be recorded and stored before they could be analyzed to extract useful information. With hindsight, the commission found no shortage of data,

and limited its inquiry to links among Osama bin Laden, Al Qaeda, and 9/11. Evidence contemporaneously deemed dubious had been verified, and commission members looked for actionable intelligence and missed opportunities. But even with the advantage of eliminating false leads and a most favorable interpretation of ambiguous data, the commission members found no "smoking gun." They did find a "wall" that prevented agents and agencies from sharing data. The commission paid no attention to the fabric of the "wall" and simply recommended it be torn down.

The report indicated there was no legislative intent to build a "wall," and executive policies expected information to be shared, yet field agents clearly understood there to be a barrier between criminal and intelligence data. A nonpartisan, objective

commission may have found that the "wall" was the construct of an adversary system that places greater value on procedures than accuracy of data. The commission asked "Who was the quarterback?" when they needed to know more about the referees. Anonymous judicial decisions, not legislation, restricted the flow of information

Representatives who create and enforce the nation's laws are accountable to the voters. The discretionary decisions of judges are not. Field agents routinely deal with judges and seldom talk to elected representatives. Hasty bipartisan recommendations have less impact on government agents than routine discretionary judicial practices.

This "wall" may be the product of a judicial exclusionary rule, whereby illegally obtained information will be suppressed. The Fourth Amendment addresses unreasonable searches and requirements for a warrant. Judicial preference for a warrant has diminished the value of reasonableness. Agents routinely seek a warrant before acting, since the results of actions taken without prior judicial approval can be suppressed as fruits of the "poisonous tree." Bin Laden could walk out of a U.S. courtroom a free man if a judge ruled essential evidence inadmissible. No field agents want that, so they carefully control information to prevent it from being tainted.

If we are to combat terrorism and protect civil liberties we must examine judicial practices that usurp powers constitutionally assigned to legislative and executive branches. Any process that withholds accurate data from decision makers is dysfunctional and places the public at risk. Any public policies that promote procedure over truth should be subject to rigorous congressional debate, not a split decision by the U.S. Supreme Court.

*(Raymond Manus is a retired lieutenant with the New York City Police Department, where he served with the Office of Management Analysis and Planning.)*

## OTHER VOICES

*Editorial views on criminal justice issues from the nation's newspapers.*

### Security Concerns: Efforts to Make the Homeland Safe Fall Short

"In the three years since the 9/11 terrorist attacks shook our sense of security, the federal government doled out billions of dollars to state and local officials across the country... to pay for the protection of the people and the property under their jurisdiction. But, at least in California, much of that money seems to have been misspent, misused and even misallocated, making it clear that our elected officials have a very long way to go until they have adequately protected their chunk of America from terrorists. There also has been an uneven distribution of homeland security funds from California county to county. Rural counties raked in the bucks, even though they might not even register on al-Qaeda's maps. Highly urban counties got considerably less funds per person, and per target. California's law enforcement officials have got to do better than this. The federal government for once backed up its mandate with cold cash, and it's incumbent upon every jurisdiction in the state to use it in the manner in which it was intended. Otherwise, we will never be truly safe."

— *The Daily News of Los Angeles, Sept. 7, 2004*

### Pursuing Safety: Police Departments Would Be Helped by Chase-Policy Legislation

"Two fatal police chases this summer in Ohio have prompted state Rep. Joyce Beatty, D-Columbus, to call for action on a bill she introduced early in 2003. House Bill 93 would require law-enforcement agencies to draft a pursuit policy with public safety in mind. The measure also calls for an annual review of the policies, to allow changes as needed. Police officers would be trained according to those policies. These practices make sense. Most law-enforcement agencies already have policies, but no harm comes from extra training and dusting off the rule books once a year. This could help to protect the innocent and, if the worst still

would occur, it could protect police and taxpayers from liability claims. The need is real: Beatty discovered that some police departments haven't reviewed their policies in more than a decade. At the same time, the public needs to understand that police pursuits are a necessary evil. Officers are charged with keeping the public safe, which sometimes means chasing down people who threaten the community. Inflexible rules banning chases or severely limiting them essentially would tell fleeing criminals to step on the gas. But reasonable steps proposed by Beatty would reassure Ohioans that law-enforcement agencies are doing everything they can to prepare themselves for that risky and sometimes essential part of their job."

— *The Columbus (Ohio) Dispatch, Aug. 27, 2004*

### Passports to Terrorism: Why Is U.S. Ignoring Database of Stolen Travel Documents?

"Interpol, the international police organization, has a potentially valuable weapon in the war against terrorism. Yet, disturbingly, the United States and more than 100 other countries have let it gather dust. Interpol maintains a database on some 1.7 million stolen passports and other travel documents. But the vast majority of the agency's 181 member nations, including the United States, aren't using the resource to screen people arriving in their countries. It's a frightening lapse in security that terrorists are undoubtedly exploiting. Congress and the Bush administration should move quickly to make the database — now available via secure Internet connections — accessible to officials at all U.S. airports and border crossings. Countries in the European Union are already making plans to extend their participation in the database project, both in screening passports and providing details about stolen documents. The database, established two years ago, is expected to contain information about several million passports and other travel documents by the end of the year. It should be put to its fullest use — now."

— *The Sarasota (Fla.) Herald-Tribune, Sept. 4, 2004*

### Note to Readers:

*The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.*

*Readers are invited to voice their opinions on topical issues, in the form of letters or full-length commentaries. Please send all materials to the editor.*

# The need for a homeland security auxiliary

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first Secretary of the Department of Homeland Security, "In spite of everything we have done, we are only at the beginning of what will be a long struggle to protect this country from terrorism."

The 9/11 Commission report includes more than 40 recommendations for the protection of America from further terrorist assaults. Among its better known recommendations are the establishment of a National Counterterrorism Center and the new position of National Intelligence Director. However, the report fails to specify a clear delineation of the average citizen's role for protecting the homeland. It says nothing directly about how civilians could assist in the prevention of future attacks on the nation's cities and its vast infrastructure.

On the other hand, the 9/11 Commission report notes that Al Qaeda "considered the environment in the United States so hospitable that the 9/11 operatives used America as their staging area for further training and exercises — traveling into, out of, and around the country and complacently using their real names with little fear of capture." Clearly, some of America's enemies may still be in this country and merely awaiting a signal from abroad to attack. This type of "lying in wait" approach demonstrates the urgency of making protection

against saboteurs a central focus of homeland protection efforts.

During World War II, Americans by the millions were enlisted for wartime civil defense purposes. About 200,000 private war industry plant guards were mustered into auxiliary military police units. In New York City, Mayor Fiorello LaGuardia (although not without controversy) recruited a City Patrol Corps — an armed auxiliary police force — primarily for this purpose. Other major cities, such as Washington, D.C. also recruited civilian auxiliary forces. On the national level, millions of posters and advertisements were produced to foster homeland security and to assist in the recruitment of civilian defense forces. The members of the 9/11 Commission may have had some of these civilian forces in mind when it stated that "the men and women of the World War II generation rose to the challenge of the 1940s and 1950s. They structured the government so that it could protect the country. That is now the job of the generation that experienced 9/11."

Various volunteer community emergency response teams are being trained for the day when they will be needed to respond in the aftermath of a disaster, and there have been some initiatives to recruit more members for the Civil Air Patrol and other protective and rescue units. Still, a major effort still needs to

## Potential roles of a civilian auxiliary to the U.S. Department of Homeland Security

- ¶ Track terrorist financing.
- ¶ Constrain terrorist mobility.
- ¶ Check identification documents.
- ¶ Defend potential terrorist targets.
- ¶ Check watchlists at points of entry.
- ¶ Monitor checkpoints to detect explosives.
- ¶ Maintain the infrastructure for emergency response.
- ¶ Implement the Incident Command System.
- ¶ Establish and staff signal corps units for communications among civilian authorities, local first responders, and the National Guard.
- ¶ Ensure that private-sector preparedness complies with the American National Standards Institute's guidelines.

Source: The 9/11 Commission Report.

be undertaken to harness the civilian population for the protection of America's infrastructure. The recent recruitment of privately sponsored and informal "watch groups" is inadequate. America's communication links, energy grids, tunnels, bridges, highways, railroads, pipelines, and ports need to be protected from sabotage.

To this end, a new civilian auxiliary to the U.S. Department of Homeland Security can and should be recruited without delay. The initiation and funding of this new organization should be a federal responsibility under

Article IV, Section 4 of the Constitution, which requires the national government to protect each of the states from invasion.

The accompanying table summarizes some of the duties the members of such a new organization might undertake. The list is derived from the 9/11 Commission's own recommendations for guarding against future attacks.

The precise roles of civilians are not spelled out in the report, yet one conclusion appears inescapable: Homeland security is everyone's responsibility.

## LEN interviews terror expert Brian Jenkins

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you can have a particular technology, and if no one is buying it, it's not worth a lot. So I wouldn't lay this particular problem on the private sector. I would say this is one where the government has to get its act together, and say this is what we're going to have.

There are other issues in the private sector beyond interoperability, though.

LEN: Such as?

JENKINS: The fact is, there are a lot of tensions that come up, where everybody talks about private/public sector partnerships, but that is easier to say than it is to do. It becomes very, very tough to actually implement that. Problems arise in a number of areas. First of all, in terms of threat perceptions — the fact is, if we're looking across the United States, and more so across the world, few corporations and not all governments perceive terrorism to be an existential threat. They just don't. They don't accept the war-on-terror rhetoric. So there's a problem there.

Go one step further into intelligence. Corporations just abhor these vague public warnings. They cost money, they ruin business; they want precise information. In some cases, their demands are unreasonable because we don't have precise information. But that's an area of friction. In other cases they believe there is more information but

the government is unwilling to share it in any meaningful way, so we end up with schizophrenic messages from Washington that while we are all going to die by Tuesday, go shopping as usual this weekend.

Regulation: corporations simply want to avoid costly and disruptive government security mandates. Liability: If we are in fact in a wartime environment, corporations want

this, and call me in the morning. But this is tough. There are smart people who are working on this, and it's not easy.

LEN: What about a remedy for the problem of public complacency?

JENKINS: You know, in this country we have the attention span of a cricket. One

"When it comes to Al Qaeda, it's more like the old saying 'Carthago delenda est.' Only now it's 'Al Qaeda must be destroyed.'"

some liability protection for security failures. I'm not saying all these demands are reasonable; I mean these are friction areas. Insurance: corporations want affordable coverage for terrorist catastrophes. That may require — and it does right now — government reinsurance. There isn't sufficient capital in the private markets to provide that kind of coverage in all cases. Then, the final one, probably, is privacy. Intelligence services want access to individual data that often raises questions about privacy protection rules, and particularly with corporations dealing in an international environment, what they ask for in one jurisdiction in fact is a violation of a law in another jurisdiction. So these are areas of kind of chronic friction.

LEN: What do you see in the way of remedies for this?

JENKINS: There's not a formulaic answer to this. If this was easy, they could have called me in for Congressional testimony two years ago, and I'd say, well, do this, this and

prays that there won't be another 9/11 equivalent, but absent another 9/11 equivalent, we will easily slide back into very dangerous complacency. Our horizons are extremely short, while the time horizons of our foes are extremely long. And so, we say things like, "Gee, there hasn't been a hijacking for 10 years, therefore it's not a problem." Back in 1996 and 1997, as I was testifying before Congress on behalf of aviation security, and I was asked: "We haven't had a hijacking in years. So why are we going to spend this money?" At that very moment, although none of us knew it, Al Qaeda was planning 9/11. We know they started their feasibility studies in 1996. So as I was testifying, they were working on a plan. And until you really grasp that fact, then you are in danger of — as I say — sliding into complacency.

People ask me, "Are we likely to have another attack?" And the answer is, I don't know. That calls for prophecy. But you have to have an operating presumption that someone's going to try. I had a Congressman tell me when I testified less than three

months after 9/11, "Mr. Jenkins, in the three months since 9/11, nothing more has happened. Are we through it?" I said, "This isn't an episode of 'The West Wing.' This is going to go on for the foreseeable future. The environment we have now, this is what you get."

LEN: Using an expression that bearks back to your Vietnam days, there are those who have pressed the case for "winning hearts and minds" in order to achieve victory over terrorism. On the other hand, some say that we will never win over their hearts and minds, so let's not even try....

JENKINS: I don't think it's so much a matter of being more understanding. Sure, on the one hand, we know they recruit from a deep reservoir. And the question is, can we do anything about that reservoir? I wouldn't put in the sort of hand-wringing liberal notion of winning hearts and minds, but we were more adept, decades ago, at political warfare and psychological operations than we are now. We do have to address this reservoir. In some cases that means, as I say, psychological operations to discourage people from this path.

At the same time, though, when it comes to Al Qaeda, it's more like the old saying "Carthago delenda est." Only now it's "Al Qaeda must be destroyed." This is an enterprise that spends all of its time thinking how it will destroy America. Therefore, I think we need to do everything we possibly can to dismantle, to tear apart this enterprise. For those who have already crossed the line into armed militancy on its behalf, I don't spend a lot of time thinking about how we're going to win them back. They may become disillusioned, and we can exploit that in intelligence, but the answer right now is heavy machine guns.

### MOVING?

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*Three-pronged strategy:*

# Denver mayor eyes monitor for troubled PD

**Continued from Page 1**

with the police administration. "I honestly believe we need to be on record as asking the DOJ to do this," he said.

Police Chief Gerald Whitman and Manager of Safety Al LaCabe also wrote to the Justice Department, trying to dissuade officials from launching an investigation.

Hickenlooper promised that within the year, he would bring sweeping reforms to the department.

"There is nothing I will work any harder on for the city," he said. "We will find the money without raising any taxes."

His proposal is expected to cost roughly \$500,000 and require two city charter changes and a new city ordinance. Some City Council members appeared not to be convinced that Hickenlooper's plan would have a significant impact on the department.

"We need to make sure there's a system of accountability put in place that makes sense," Councilman Michael Hancock told The Rocky Mountain News. "We need to question, do the reforms make meaningful change to address the issue of accountability within the police department? I'm not after more window dressing."

The cornerstone of Hickenlooper's proposal is the establishment of an Office of the Independent Monitor to oversee internal police investigations. Of the two charter changes needed to accomplish that goal, one would eliminate language that

would block the monitor's access to information, and the other would put the office's employees under the authority of the mayor rather than under the city's civil service commission.

The monitor would be appointed by the mayor, and could not be either a current or former police, sheriff's or fire employee. The same restriction would apply to the monitor's investigative and clerical staff.

The monitor would be involved in criminal investigations of police shootings, and would follow the department's internal investigation from beginning to end. He or she would be allowed to observe interviews and pass along questions to investigators; would be called out to the scene when the district attorney is summoned, and would be given access to evidence.

Once internal affairs investigations are completed, the monitor's office may ask for further investigation by police. If discipline is recommended in the case, the monitor may be involved in that process as well.

The other key elements of Hickenlooper's plan include the appointment of a civilian oversight board to replace Denver's Public Safety Review Commission, and a citizen pool of 20 to 30 people chosen throughout the year to serve two-year terms.

"Effective and robust civilian oversight has to be a critical component of any law enforcement agency," said Hickenlooper. "I believe we have devised a system that will

result in increased public confidence in how the police department and our other public safety departments discipline their personnel while at the same time supporting our law enforcement officers' reasonable expectations that discipline is always administered fairly and consistently with the rule of law."

In addition to the mayor's three-pronged approach to civilian oversight, Hickenlooper has also made fundamental changes in the department's use-of-force policy.

Five recommendations made by the Police Reform Task Force, a group convened by Hickenlooper in January, have been adopted by the department.

Among these is a preamble to the policy stating that the Denver department "recognizes the value of all human life and is committed to respecting human rights and the dignity of every individual."

The three-paragraph statement also recognizes that officers make split-second decisions, that situations can be defused, and that a suspect may not always understand the gravity of the confrontation.

New language will also emphasize that officers can de-escalate a situation under the right circumstances.

A third section of the policy deals with shooting at cars. It discourages officers from

shooting at moving vehicles, and from firing a weapon solely to protect property.

From 1990 to 2000, nearly all of the discipline handed out by the agency was for police shootings of vehicles. Four of the five officers disciplined for such actions during that decade had shot at people whose only weapon was a car, although those cases made up just 15 percent of shootings that left people killed or injured.

The fourth recommendation involves dealing with the mentally ill. Under the revamped policy, an officer trained in crisis intervention will be called out to the scene, if time and circumstances permit. That officer will be in charge of the negotiation.

In a new section, the policy directs officers when confronted with knives to consider "disengaging, repositioning, retreating or other alternatives to confrontation" whenever possible, without compromising their own safety or that of bystanders.

"Officers have a lot of things to remember, but this will put these issues at the top of things they have to think about," Chief Whitman told The News. "An effective policy and the right training can save a cop's life and under the right circumstances could save a civilian's life."

## He slipped through the net to threaten Chief

Denver police officials missed some telltale signs when they hired an applicant who is now accused of threatening the lives of Chief Gerry Whitman and his family, according to the heads of the city's civil service commission and the state's certification board.

Andrew Raiser, 34, who is on paid administrative leave, denies threatening Whitman. Raiser joined the department in 1999 after resigning from the Winston-Salem, N.C., police. Instead of transferring his certification, Raiser chose instead to undergo a 637-hour law enforcement training academy course at the Community College in Aurora.

"Since he didn't claim his North Carolina law enforcement experience or pursue reciprocity, he attended the

academy on his own," said John Kammerzell, director of the Colorado POST board. "It's odd that someone would do that."

In the past two years, Raiser has been investigated 21 times in use-of-force incidents, and has been on administrative leave twice.

His girlfriend reported his threats against Whitman in May. In June, the chief obtained a permanent restraining order that bars Raiser from coming within 100 feet of Whitman, his family, and any of Denver's police stations.

"He has repeatedly threatened to kill me and my family," said Whitman. "He has also threatened to come to the Denver Police Department and kill as many police officers as he can."

## Drivers try their best to outwit traffic cameras

**Continued from Page 1**

Measurement Laboratories, an Arizona-based consultant to police departments and radar and radar-detector makers. "But it doesn't work, that's the bottom line."

Easy adjustments, such as reversing the image to a negative one, can be made that will allow every number and letter on a license to be read, said Fors.

But whether or not they work is a moot point in jurisdictions such as Maryland and the District of Columbia.

"There is no question that using these products is illegal under Maryland motor

vehicle laws," said Kevin Enright, a spokesman for state Attorney General J. Joseph Curran Jr.

Under D.C. law, license plates must be free from foreign materials and clearly legible. More than 450,000 drivers have been ticketed at 39 locations since red-light cameras began being used in 1999. Some \$27 million in fines have been collected, according to a Metropolitan Police Web site. More than \$53.6 million — at least \$10 million of that so far this year — has been collected since 2001 when a photo-radar anti-speeding program was launched using mobile cameras.

## Headlines are not enough



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## Intuitive cops



If there's such a thing as 'police intuition,' research suggests that it may just be because

some cops are much faster thinkers than others. (We have a hunch you'll turn to Page 1.

### Plus:

Terrorism expert Brian M. Jenkins talks candidly in a special LEN interview. On 9.

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## WHAT THEY ARE SAYING:

"We have our internal administrative review, internal affairs, our district attorney, we have the attorney general, we have the Department of Justice, and if we needed to, we could go out to our county sheriff. How much more oversight are we going to have?"

— Patrick McCarthy, president of the Riverside, Calif., Police Officers Association. (Story, Page 4.)